

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FARAH JEAN FRANCOIS,

Plaintiff,

-against-

Case No. 1:22-c-4447-JSR

VICTORY AUTO GROUP LLC d/b/a VICTORY

MITSUBISHI, SPARTAN AUTO GROUP LLC d/b/a

VICTORY MITSUBISHI, STAVROS ORSARIS, YESSICA

VALLEJO, DAVID PEREZ, DIANE ARGYROPOULOS, and

PHILIP ARGYROPOULOS,

Defendants.

VIDEOTELECONFERENCED DEPOSITION OF:

DIANE ARGYROPOLOUS

New York, New York

Friday, December 9, 2022

Reported by:
Aydil M. Torres, CSR
JOB NO. J8950423

DIANE ARGYROPOLOUS
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022

December 9, 2022

10:01 a.m.

VTC deposition of

DIANE ARGYROPOLOUS, held at the
offices of Nicholas Goodman &
Associates, PLLC, 333 Park Avenue
South, New York, New York, pursuant
to Notice, before Aydil M. Torres,
a Notary Public of the State of
New York.

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A P P E A R A N C E S:

LAW OFFICES OF AHMAD KESHAVARZ

Attorneys for Plaintiff

16 Court Street, #2600 Brooklyn

New York, New York 11241

BY: EMMA CATERINE, ESQ.

NICHOLAS GOODMAN & ASSOCIATES, PLLC

Attorneys for Defendants

333 Park Avenue South, Suite 3A

New York, New York 10010

BY: H. NICHOLAS GOODMAN, ESQ.

ALSO PRESENT:

Patrick Selvey, Esq.

Ahmad Keshavarz, Esq.

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1
2 S T I P U L A T I O N S
3

4 IT IS HEREBY STIPULATED AND AGREED
5 by and between the attorneys for the
6 respective parties herein, that filing,
7 sealing and certification and the
8 same are hereby waived and that the
9 questioning attorney shall provide counsel
10 for the witness examined herein with a copy
11 of this examination at no charge.
12

13 IT IS FURTHER STIPULATED AND AGREED
14 that all objections, except as to the
15 form of the question shall be reserved
16 to the time of the trial.
17

18 IT IS FURTHER STIPULATED AND AGREED
19 that the within deposition may be signed
20 and sworn to before any officer authorized
21 to administer an oath, with the same force
22 and effect as if signed and sworn to before
23 the Court.
24
25

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1
2 THE REPORTER: My name is
3 Aydil M. Torres a New York State
4 notary public and certified
5 shorthand reporter. This
6 deposition is being held via
7 videoconferencing equipment. The
8 witness and reporter are not in the
9 same room. The witness will be
10 sworn in remotely pursuant to
11 agreement of all parties. The
12 parties stipulate that the
13 testimony is being given as if the
14 witness was sworn in person.

15 D I A N E A R G Y R O P O L O U S ,
16 called as a witness, having been
17 duly sworn by a Notary Public, was
18 examined and testified as follows:

19 THE REPORTER: Please state
20 your name and spell it for the
21 record.

22 THE WITNESS: Diane
23 Argyropoulos. D-I-A-N-E,
24 A-R-G-Y-R-O-P-O-U-L-O-S.

25 THE REPORTER: Please state

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1
2 your address for the record.

3 THE WITNESS: 4101 Boston
4 Road, Bronx, New York 10466.

5 EXAMINATION BY

6 MS. CATHERINE:

7 Q. Good morning.

8 A. Good morning.

9 Q. Ms. Argyropoulos, have you ever
10 gone by any other names or aliases?

11 A. My maiden name.

12 Q. What is that?

13 A. Papadakos.

14 Q. Could you spell that, please?

15 A. P-A-P-A-D-A-K-O-S.

16 Q. Some of the documents in this case
17 have "Argyropoulos" spelled differently.

18 Do you ever spell it differently or
19 are those just misspellings?

20 A. It's misspelled.

21 Q. Okay. I am sure probably often.

22 A. It's a long name.

23 Q. Have you ever had your deposition
24 taken before?

25 A. "Have" I -- sorry, can you rephrase

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1
2 that?

3 Q. Sure. Have you ever had a
4 deposition taken before?

5 A. Yes.

6 Q. And what was the nature of that
7 deposition?

8 A. The Nelson case.

9 Q. Any other depositions, besides that
10 one?

11 A. I don't recall. I don't think so.
12 I don't recall any.

13 Q. And were you testifying as an
14 individual or as a corporate representative
15 in that case?

16 A. Corporate representative, yeah.

17 Q. Okay. Have you ever testified in a
18 court proceeding?

19 A. Yes.

20 Q. Which court proceeding did you
21 testify in?

22 A. It was about the Etch.

23 Q. The New York Attorney General case;
24 is that correct?

25 A. Yes, yes.

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MR. GOODMAN: You have to
let her finish the question. So
the court reporter can't take down
two people at once.

THE WITNESS: Sorry.

Q. It's all right. It's natural to do
that in conversation. Just try to -- try to
remember that.

What do you remember about that
case?

MR. GOODMAN: Object to the
form; go ahead.

A. I remember that my general manager
was selling a product. I was not aware that
we were going to have a problem with that.
Once it came to my attention, I fired him and
everybody else who was selling this product.

Q. What was the name of that general
manager?

A. Scott.

Q. Last name?

A. I don't recall. It's been too many
years.

Q. That's all right. And what were

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1
2 the names of the other employees who you
3 fired?

4 A. Danny. I don't...

5 Q. If you don't remember, don't guess.
6 Just tell me what you remember.

7 A. Danny. That's all I remember.

8 Q. Okay. All right. Let's take a
9 look at Exhibit 35, which is Bates-stamped
10 Francois 3679 to Francois 3684.

11 MR. GOODMAN: Emma, what's
12 the subject matter of those?

13 MS. CATHERINE: That's the
14 stipulation of settlement for the
15 New York Attorney General lawsuit.

16 MR. GOODMAN: All right.
17 Let me go through what I have here.

18 MS. CATHERINE: Yeah, sure.

19 MR. GOODMAN: It's probably
20 here somewhere, so -- I don't think
21 I have that out on the table for
22 whatever reason. I can get it
23 printed pretty quickly, if we need
24 to do that.

25 MS. CATHERINE: No, that's

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all right. We will just see if we
can ask these questions without the
document in front of us.

MR. GOODMAN: Okay.

Q. Ms. Argyropoulos, what do you
remember about how the New York Attorney
General lawsuit was resolved?

MR. GOODMAN: Object to the
form; go ahead.

A. I remember that it was settled and
we paid back everything that we charged.

Q. Do you recall a provision in the
settlement, where it stated that if the
respondents failed to make payments on the
settlement, that a judgment would be entered
against Phillip R. Argyropoulos, personally?

A. Yes.

Q. And Philip Argyropoulos is your
husband, correct?

A. We're separated.

Q. I see. Why was the settlement --
why did the settlement have this provision
for personal -- for a judgment against him,
personally, rather than against you?

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MR. GOODMAN: Object to
form.

A. I don't really know why, to be
honest. I am the one who appeared to the
court. Phil was not there. I mean, to me,
at the time, it didn't really matter because
I knew we were paying back that money, so I
was not concerned about a judgment.

Q. So I know you have taken a
deposition before, but let's just go over a
couple of basics, just to refresh your
memory.

If you don't understand a question,
will you please ask me to rephrase the
question?

A. Yes.

Q. If I ask a question and you don't
ask me to rephrase the question, is it
reasonable to assume that you understood the
question?

MR. GOODMAN: Object to
form.

A. Yes.

Q. During the course of your

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deposition, your attorney may be making certain objections, as he just did, such as objection to form. Unless instructed not to answer, do you understand that you are still required to answer the question?

A. Yes.

Q. And for the court reporter, and for the record, do you understand that you should please orally answer, not nod, or say things, like, "uh-huh"?

A. Yes. I may do that, though, by accident.

Q. That's all right. If you forget, that's totally fine. How old are you?

A. Fifty-four.

Q. And where do you currently reside?

MR. GOODMAN: No street address. Just where, generally.

A. Nassau County.

Q. What steps did you take in preparation for your deposition today?

A. I spoke to my attorneys.

Q. And when you say your "attorneys," are you referring to Mr. Goodman and Mr.

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Selvey?

A. Yes.

Q. Did you speak with anyone else, in
preparation for your deposition today?

A. I did. I spoke to --

MR. GOODMAN: Just wait for
the question.

Q. Please, go ahead.
Who did you speak with?

A. Stavros.

Q. Anyone else?

A. Vena.

Q. And who is that? What is that
person's full name?

A. Vena Singh.

Q. Okay, who is Vena Singh?

A. My BDC manager.

MR. GOODMAN: By counsel,
it's Bibi Singh, you may know her
as.

MS. CATHERINE: Sorry, I
couldn't hear that.

MR. GOODMAN: You will see
her name on documents that you have

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exchanged as Bibi, B-I-B-I, Singh.

MS. CATERINE: Okay.

Q. And when did you speak to
Ms. Singh?

A. This week.

Q. When did you speak to Stavros?

A. This week as well.

Q. What documents have you reviewed,
in preparation for this deposition?

A. What documents? The CBC documents.

Q. Okay. Anything else?

A. The reviews.

Q. Okay. What is your understanding
of what this lawsuit is about?

MR. GOODMAN: Object to
form.

A. I'm understanding that the customer
is saying that she was not present for the
loan.

Q. And prior to your preparation for
the deposition in this case, had you reviewed
documents about Farah Jean Francois?

A. No.

Q. And by "documents," I also mean

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1
2 electronic documents, like computer screens.

3 Did you ever review any computer
4 screens for electronic documents about Farah
5 Jean Francois, prior to your preparation for
6 this deposition?

7 A. Yes.

8 Q. And was that the screens on
9 Dealertrack?

10 A. No.

11 Q. Could you explain to me what you
12 reviewed?

13 A. The document -- when the lawsuit
14 came in, I reviewed those documents.

15 Q. I see. Do you have a login for
16 Dealertrack?

17 A. Yes.

18 Q. When was the last time you logged
19 into Dealertrack?

20 A. A few days ago.

21 Q. Do you login to Dealertrack as a
22 regular part of conducting the business of
23 Victory Mitsubishi?

24 A. Yes.

25 Q. And do you ever pull credit reports

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in Dealertrack?

A. No.

Q. What do you, generally, use Dealertrack for in the ordinary course of your business?

A. To receipt -- the money that comes in, to make sure we get all the credit cards. Accounts payable. It's more office side.

Q. I see. Some of the prior witnesses have testified about a "back office" at Victory Mitsubishi. Is that the same thing as what you just referenced as "office side"?

MR. GOODMAN: Object to form.

Go ahead.

A. I am not understanding about the "back office."

Q. Sure, that's okay. I'm not either. That's why I was asking. But that's okay.

Have you searched for e-mails related to Farah Jean Francois?

A. No.

Q. Okay. Do you ever use a personal e-mail address to conduct business at Victory

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1
2 Mitsubishi?

3 A. I do, yes.

4 Q. And what is that e-mail address?

5 A. Diane@VictoryMitsubishi.com.

6 Q. Do you use any other e-mail
7 addresses to conduct business at Victory
8 Mitsubishi?

9 A. No.

10 Q. Do you ever use any messaging apps,
11 like WhatsApp or Signal to conduct business
12 at Victory Mitsubishi?

13 A. No.

14 Q. Do you ever use your personal cell
15 phone to conduct business at Victory
16 Mitsubishi?

17 A. Can you rephrase that question?

18 Q. Sure. Let me -- how -- when you
19 need to make phone calls in the ordinary
20 course of your business at Victory
21 Mitsubishi, what phone do you use?

22 A. The business phone.

23 Q. Do you ever use a personal cell
24 phone?

25 MR. GOODMAN: Objection.

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Q. For that purpose.

A. Yes, if I am not at work.

Q. Okay. And what is your cell phone
number?

MR. GOODMAN: Okay,
objection. We can leave a blank in
the transcript and put it in,
please.

MS. CATHERINE: Okay.

TO BE FURNISHED: _____

Q. Did you graduate from high school?

A. Yes.

Q. Where did you go to high school?

A. Fort Hamilton.

Q. When did you graduate?

A. Oh, boy.

Q. Approximately.

A. In the eighties.

Q. Okay.

A. Goodness, I haven't thought of
that.

Q. Did you go to any school after high
school?

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A. Yes.

Q. And what was that?

A. Saint Francis College.

Q. And when did you graduate from
Saint Francis College?

A. '92, '93.

Q. And what was your degree in?

A. Business.

Q. Did you have any schooling, after
graduating from Saint Francis?

A. No.

Q. What did you do for employment,
after graduating from Saint Francis?

A. I worked at a family business.

Q. An what was the nature of that
business?

A. A restaurant.

Q. And how long did you do that for?

A. Five years.

Q. Okay. When did you marry Phillip
Argyropoulos?

A. 1993.

Q. And when did you first meet Chris
Orsaris?

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A. 2016.

Q. Okay. And how did you meet?

A. Mutual friend.

Q. And what was the nature of your
meeting; was it social or business?

A. Social.

Q. And when did you first meet Stavros
Orsaris?

A. 2016, as well.

Q. Okay. And do you know Chris
Orsaris, Junior?

A. Yes.

Q. When did you meet Chris Orsaris,
Junior?

A. Last year. Last -- either last
year or two years ago. I don't remember.

Q. Okay. Does Chris Orsaris ever
refer to himself as "Chris Orsaris, Senior,"
or is he just "Chris Orsaris," and his son is
"Chris Orsaris, Junior"?

A. I have never noticed.

Q. Okay.

A. I am not sure.

Q. That's fine.

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Have you ever met a George Orsaris?

A. George Orsaris? No, I don't think
so. No.

Q. Okay. What about Peter Orsaris?

A. Yes.

Q. Sorry, did you say --

A. Yes.

Q. -- "yes"? Okay.

And when did you meet Peter
Orsaris?

A. I believe in 2016, '17. Around
that time.

Q. Okay. And what about James
Orsaris?

A. James is his -- who's that?

Q. If you don't know, that's fine.

A. I mean -- okay.

MR. GOODMAN: If you don't
know, you don't know.

A. I am not sure. I don't know.

Q. That's fine.

Have you ever met anyone named
James Orsaris?

A. No. Not James but...

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Q. And I apologize because I am probably going to butcher the pronunciation for this one, but have you ever met Elfaria Orsaris?

A. Elfaria? I don't know that name, Elfaria.

Q. Okay.

A. No.

Q. And do you have any children?

A. Yes.

Q. Do any of your children work at Victory Mitsubishi?

A. No.

Q. What is CPMW Consultants, Incorporated?

A. Don't know.

Q. Okay. What is PSCA Management, LLC?

A. Don't know.

Q. Okay. What is Victory Cars East?

A. A dealership in Huntington.

Q. Do you have any relationship to that dealership?

MR. GOODMAN: Object to

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form.

A. Yes.

Q. What is the nature of your
relationship to that dealership?

A. I am a partner.

Q. And who is your partner for that
dealership?

MR. GOODMAN: You can

answer.

A. Stavros Orsaris and John Kekis.

Q. What is Dream Car Gallery?

A. A dealership.

Q. And do you have any relationship to
that dealership?

A. No.

Q. Do you know who owns and operates
that dealership?

A. No.

Q. So how did you first get involved
in the business of auto dealerships?

A. My husband opened it up in 2005 as
an investor, as a silent partner.

Q. And when you say, "opened it up,"
what are you referring to, specifically?

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A. With the partner.

Q. Let me rephrase.

A. Okay.

Q. What dealership was opened up?

A. Victory Auto Group.

Q. Okay. And where was it operating
at that time?

A. 4101 Boston Road, Bronx, New York.

Q. And when did you start working at
that dealership?

MR. GOODMAN: Object to
form.

Go ahead.

A. October of 2008.

Q. And what were you doing at that
time, at the dealership?

A. Learning the business.

Q. Were you receiving a salary at that
time?

A. I don't recall. I don't think so.

Q. Okay. And about how long were you
in this period of learning the business?

A. I don't recall the accurate time
frame.

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Q. That's okay. If you -- do you have a general time frame sense; a few years, five years, ten years?

A. I want to say, five years.

Q. Okay. And after that period, what did you do at the dealership?

A. I -- let's see. I do payables, make sure we collect all deposits, I do payroll, I pay all the bills.

Q. And is that still the nature of your work today?

A. Yes.

Q. And do you have a title?

MR. GOODMAN: Today or --
object to form. Time frame.

Q. Sorry, go ahead.

A. For which time frame?

Q. What was your title once you started doing this accounts payable-type work?

A. In what year?

Q. Well, why don't you tell me.
What year did you start doing this?

A. 2008.

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Q. All right. What was your title at that time?

A. Accounts payable.

Q. Okay. And what is your -- what was your title in 2020?

A. Owner.

Q. And what's your title today?

A. Owner.

Q. Have you ever had any other titles, besides accounts payable and owner?

A. People refer to me as different things, as an office manager or -- at the end the day, it's all the same. So you can say, "office manager."

Q. Okay. Have you ever worked for any other dealerships, besides Victory Auto Group?

A. No. I need to take that back.

Q. That's fine.

A. Yeah, sorry. And Victory Mitsubishi.

MR. GOODMAN: And currently?

THE WITNESS: Victory

Mitsubishi. Spartan Auto Group,

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right.

Q. Have you ever been arrested?

A. No.

MR. GOODMAN: Object to
form. Go ahead.

Q. Has anyone ever made a complaint
against Victory Mitsubishi that they were
defrauded by Victory Mitsubishi?

MR. GOODMAN: Object to the
form.

A. Anybody made a claim? I don't
recall.

Q. Has any consumer ever alleged that
Victory Mitsubishi deceived them or treated
them unfairly in the sale or financing of a
vehicle?

MR. GOODMAN: Object to the
form; go ahead.

A. In the Etch product.

Q. Okay. Any other instances, besides
that one?

A. I don't recall any other ones.

Q. And when did you start working at
Victory Mitsubishi?

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A. 2018.

Q. Okay. And was that at the opening
of Victory Mitsubishi?

A. Yes.

Q. And who made the decision to open
Victory Mitsubishi?

MR. GOODMAN: Object to
form.

A. I did.

Q. And why did you decide to open
Victory Mitsubishi?

A. I wanted a new car franchise at
that location.

Q. And around the same time Victory
Auto Group was closed, correct?

A. Correct.

Q. And why was Victory Auto Group
closed?

A. Because when you open a new car
franchise, you have to assume one name. So I
had to close that name to replace it with
Victory Mitsubishi.

Q. Okay. And were the employees at
Victory Mitsubishi the same as the employees

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1
2 at Victory Auto Group?

3 MR. GOODMAN: Object to
4 form.

5 A. Some were, yes.

6 Q. And Stavros Orsaris was an employee
7 at both, correct?

8 A. Yes.

9 Q. And was David Perez an employee at
10 both?

11 A. I don't remember if he was with
12 Victory Auto Group.

13 Q. Okay.

14 A. But he was with Victory Mitsubishi.

15 Q. Was Yessica Vallejo an employee at
16 both?

17 A. I don't remember if she was for
18 Victory Auto Group.

19 Q. Okay. Prior to you assuming the
20 title of owner, you testified you had a title
21 of accounts payable; is that right?
22 Something like that?

23 A. Something like that. Office
24 manager, uh-huh.

25 Q. Okay. Did you apply for that

DIANE ARGYROPOLOUS
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1
2 position?

3 A. Did I?

4 MR. GOODMAN: Object to
5 form; go ahead.

6 A. I didn't apply. My husband told me
7 we need to take over the business, and I went
8 to work. So not really, no.

9 Q. Okay. Why did -- why did you need
10 to take over the business?

11 MR. GOODMAN: Object to
12 form.

13 A. My previous partner was stealing
14 from the company.

15 Q. What was that partner's name?

16 A. Nick. I don't recall his last
17 name.

18 Q. Okay. And when did you find out
19 that he was stealing from the company?

20 A. The summer of 2008.

21 Q. Were there ever criminal charges
22 pressed against him?

23 A. I am not sure.

24 Q. Okay. What training have you
25 received in -- for running an auto

DIANE ARGYROPOLOUS
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2 dealership?

3 A. Can you rephrase that question?

4 Q. Sure. What trainings have you
5 received to do your work at Victory
6 Mitsubishi?

7 A. Dealertrack training on the
8 accounting side, compliance training. That's
9 it.

10 Q. Okay. Who put on the compliance
11 training?

12 A. Dealertrack.

13 Q. And what subjects were covered in
14 the compliance training?

15 A. Security...so many years ago.
16 Security to make sure you are logged in when
17 you are on the DMS system, that it allows you
18 only a few minutes, if you don't login, it
19 turns it off for security purposes to make
20 sure documents are filed securely away, deal
21 jackets are locked up, and no one has access
22 to peoples personal information, payroll
23 records, things like that.

24 Q. And when did you receive this
25 training?

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A. Maybe ten years ago. It's been a long time.

Q. Did that training include training as to compliance with the Fair Credit Reporting Act?

A. No. Not with me.

Q. Okay. Did that training cover anything in regards to credit reporting?

A. Not with me.

Q. I know that you said the opening of Victory Mitsubishi coincided with the closing of Victory Auto Group, but Victory Auto Group, in fact, still exists; is that correct?

A. Victory Auto Group does not exist, no.

Q. Let's look at Exhibit 36, which is Bates-stamped Francois 1001 to 1013.

MR. GOODMAN: What is it, Emma, just the subject matter of the pages?

MS. CATHERINE: This is the 56.1 statement in the Nelson/Diane Argyropoulos, et al. case.

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MR. GOODMAN: Okay. You will have to give me a minute here. That's another one we don't have on the table here, so I will have to go out and get it, if necessary.

MS. CATHERINE: Yeah, I think we need to get that. We should have that one in front of her for these questions.

MR. GOODMAN: Okay, no problem. Give me a couple -- it will take three or four minutes.

MS. CATHERINE: Okay, that's fine.

THE WITNESS: Can I take a break?

MS. CATHERINE: Yeah.

(Whereupon, a recess was taken at this time.)

BY MS. CATHERINE:

Q. Before we get to the document, actually, a few follow-up questions.

Who is your cell phone provider, Ms. Argyropoulos?

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A. AT&T.

Q. And was that your cell phone provider in 2020?

A. I believe so.

Q. Have you searched your cell phone for calls or text messages, in regards to this case?

A. No.

Q. Have you searched your cell phone for calls or text messages on or around May 30, 2020?

A. Not understanding the question. Regarding?

Q. Regarding this case.

A. No.

Q. Have you used your cell phone to conduct business related to Farah Jean Francois or the vehicle in this case?

A. No.

Q. Okay. Now, let's look at Exhibit 36, Bates-stamped Francois 1001 to 1013.

What is this document?

A. The Nelson case.

Q. Did you review this document, prior

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to its filing?

A. Yes.

Q. And do you verify that everything
in this document is true, to the best of your
knowledge?

A. No. Not true.

Q. Why not?

A. The first one is not true.

Q. And you're referring to the first
paragraph?

A. Yes.

Q. And how is that statement not true?

A. Phillip Argyropoulos does not work
for the office -- for the dealership.

MR. GOODMAN: Are you
talking about paragraph one or
paragraph --

THE WITNESS: Oh, paragraph
one.

Q. Oh, you are referring to the
unnumbered paragraph?

A. Yeah. Yes.

Q. Okay. And if you go down below the
header that says, "Background," there's a

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paragraph numbered number 1.

A. Yes.

Q. It says, "Defendant Victory Auto Group, LLC, Spartan Auto Group, LLC, Victory Mitsubishi collectively operate a new car lease dealership at the address 4070 Boston Road, Bronx, New York."

A. Which is not --

MR. GOODMAN: Let her finish the --

THE WITNESS: Sorry, I made a mistake.

Q. -- "in which plaintiff admits to in his EEOC charge." Is that statement accurate?

A. No.

Q. How is it inaccurate?

A. Victory Auto Group, LLC was not operating as a new car dealership.

Q. Was it operating at that time?

MR. GOODMAN: Which "time"? Object to form.

A. What time frame?

Q. This would be November 13, 2020.

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A. It was not.

Q. And if you could go down to go to the next page, paragraph numbered number two, it says, "The Defendants, Diane Argyropoulos, Phillip Argyropoulos, Chris Orsaris, Alex Letice -- I apologize if I am mispronouncing that -- "all individuals who either own and/or work with the corporate defendants and have all appeared in this lawsuit."

Is that statement accurate?

A. No.

Q. How is that statement inaccurate?

A. Phillip Argyropoulos did not work or own the company.

Q. When you say, "the company," which company are you referring to?

A. Spartan Auto Group.

Q. Okay. Is there anything else inaccurate about that statement?

A. Chris Orsaris and Alex Letice are not owners of the company.

Q. Okay. What does Chris Orsaris do at Spartan Auto Group?

MR. GOODMAN: Object to the

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form. Also, time frame.

Q. In 2020.

A. Buying vehicles.

Q. Okay. And who is Alex Letice?

A. A salesperson.

Q. Okay. I know that you said that
the paragraph numbered one was not accurate.

As of November 2020, was there ever
a time in which the dealership was
collectively operated by Victory Auto Group
and Spartan Auto Group?

MR. GOODMAN: Object to the
form.

A. Time frame?

MR. GOODMAN: Ever.

THE WITNESS: Ever?

Q. Ever.

MR. GOODMAN: Collectively.

A. No.

Q. Okay. Let's take a look at Exhibit
40, what was previously marked as Exhibit 40.
Defendant's 93 to 112.

MR. GOODMAN: That one is
the CBC?

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MS. CATERINE: Yes.

MR. GOODMAN: Okay, we have
it.

Q. What is this document?

THE WITNESS: This one.

MR. GOODMAN: Yeah.

A. This is documents applying to use
Credit Bureau Connection to run credit. It's
an agreement.

Q. And how did you learn of Credit
Bureau Connection and the services they
provide?

A. I don't recall how I learned about
them individually. I don't know.

Q. Is it just something that you
picked up in -- when -- in learning the
business between 2008 and 2018?

A. Yes, it was one of the companies
that was mentioned that was good.

Q. Okay. And what does Credit Bureau
Connection do?

MR. GOODMAN: Object to
form.

Q. For auto dealerships, specifically.

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A. Run credit for customers.

Q. Did you fill out this document?

A. Yes.

Q. Why was this document filled out by you, rather than someone at Victory Mitsubishi who works with credit reports, such as a finance manager?

MR. GOODMAN: Object to the form.

A. It has to be the owner filling it out.

Q. I see.

A. It's an agreement.

Q. The estimate of "monthly inquiries" here is "1,000." Do you see that on the first page?

A. Yes.

Q. Is that accurate?

MR. GOODMAN: Object to form.

A. It's an average.

Q. Okay. And the agreement says here that, "credit information will be used to, quote, 'evaluate the credit of customers for

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2 consumer loans or lease,' end quote."

3 How does that work?

4 A. It's -- it runs the customer's
5 credit and it -- to see if a customer is able
6 to purchase a vehicle, if they have the
7 credit. It's all computerized.

8 Q. Who at Victory Mitsubishi runs the
9 credit of consumers?

10 MR. GOODMAN: Object to
11 form; time frame.

12 A. Time frame?

13 Q. In 2020.

14 A. There was a few of the managers. I
15 don't recall which managers were there at the
16 time. I could name the couple that I do
17 know.

18 Q. Okay, go ahead, please.

19 A. Stavros Orsaris, Yessica Vallejo,
20 Joe Grabino. I don't recall everybody at
21 that time.

22 Q. That's okay. Were sales associates
23 allowed to run consumers credits?

24 A. No.

25 Q. Was anyone else, besides managers,

DIANE ARGYROPOLOUS
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1
2 allowed to run a consumer's credit?

3 A. No.

4 Q. Turning to the page marked
5 Defendant's 94, and the third bullet point,
6 it says at the end that Victory Mitsubishi,
7 quote, "Will obtain the consumer's written
8 authorization to request such information
9 relating to that consumer," end quote.
10 Referring to credit reports, "How does
11 Victory Mitsubishi obtain written
12 authorization"?

13 MR. GOODMAN: Object to form
14 time frame.

15 Q. In 2020.

16 A. There's an application the customer
17 fills out, signs it, and gives it to a
18 manager to run the credit.

19 Q. Who created that application form?

20 A. I don't recall.

21 Q. And who creates the policies,
22 generally, to comply with this agreement
23 between Victory Mitsubishi and CBC?

24 MR. GOODMAN: Object to the
25 form; go ahead.

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A. Can you rephrase the question?

Q. Sure. So in this agreement between Victory Mitsubishi and CBC, your Victory Mitsubishi, is agreeing to do things, in return for receiving the services of CBC; is that accurate?

A. Yes.

Q. And who determines how to comply with this agreement at Victory Mitsubishi?

MR. GOODMAN: Object to form; go ahead.

A. Stavros.

Q. Okay. Do you make any decisions, in terms of complying with this agreement, at Victory Mitsubishi?

A. Can you rephrase the question?

Q. Sure. So you say, Stavros makes decisions. Does he consult with you about those decisions?

A. Meaning, during the time or to understand the policy of CBC? I am still not understanding.

Q. Sure, let me be very --

A. Yes.

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Q. Let me just try to be as direct here as I can.

Were you involved, in 2020, with establishing policies and procedures at Victory Mitsubishi for credit reporting?

MR. GOODMAN: Object to the form; go ahead.

A. I explained to Stavros how it has to be handled and the regulations on it. That was my only involvement with that.

Q. Okay. What do employees at Victory Mitsubishi have to do, prior to pulling a credit report for a consumer?

MR. GOODMAN: Object to the form.

Q. In 2020.

A. The customer has to have an application and proof of ID.

Q. And who is that presented to?

A. To one of the managers.

Q. An employees have to login to Dealertrack, in order to pull a credit report; is that correct?

A. Yes.

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Q. Do sales associates or -- excuse me. Are sales associates able to log into Dealertrack?

A. No.

Q. Who at Victory Mitsubishi -- not names, but rather titles -- are able to log into Dealertrack?

A. Managers and finance managers.

Q. And how many managers and finance managers were there at Victory Mitsubishi in 2020?

A. That's hard for me to answer that because it was during COVID, and there was a lot of regulations. So we had different sales crew at the time. So I would say, maybe, at that time, three or four people.

Q. Okay. Is Chris Orsaris a manager?

MR. GOODMAN: Object to form.

A. No.

Q. Does Chris Orsaris have a login for Dealertrack?

MR. GOODMAN: Object to form. Time frame.

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A. Time frame?

Q. 2020.

A. I believe he does because he is the buyer, and that's -- he has to check the inventory.

Q. Are credit reports ever pulled at Victory Mitsubishi with software, other than Dealertrack?

A. What kind -- can you rephrase the question?

Q. Sure. So you testified that Dealertrack is used to pull credit reports.

A. Yes.

Q. Is there any other way to pull credit reports at Victory Mitsubishi, besides Dealertrack?

A. Yes, there is.

Q. And what is that method?

A. A customer could apply online. There's everything -- it's a soft pull, actually, so it does not effect their credit. And there's all the documents that they would have to fill out electronically and sign.

Q. Okay. Besides the soft pull, is

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there any other way that credit reports are
pulled at Victory Mitsubishi?

A. No.

Q. Are you familiar with a program
called T-A-L-X?

A. No.

Q. How is income information verified
at Victory Mitsubishi?

A. I don't work the floor. I don't
know.

Q. Okay. If you turn to Defendant's
96 on Exhibit 40.

THE WITNESS:

This one?

MR. GOODMAN: Yeah, yes.

Q. There's a signature at the bottom
of someone named David Daniel who's listed as
a "compliance manager."

Who is David Daniel?

A. He worked for Credit Bureau
Connection.

Q. And when was the last time you
spoke to David Daniel?

A. Couple of years ago. I am assuming

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when I signed these documents.

Q. Okay. Let's go to Exhibit 41,
please, Bates-stamped Defendant's 73 to 82.

MR. GOODMAN: We got it.

Q. Okay, what is that document?

A. Capital One dealer agreement.

Q. And did you fill out this
agreement?

A. I don't -- I don't recall filling
this out, no.

Q. If you can turn to the page marked
Defendant's 75. At the bottom, there's a
signature line which says, "initial here,"
and then there are initials.

Are those your initials?

A. Yes.

Q. Based on that, do you believe that
you filled out this document?

MR. GOODMAN: Object to
form.

Q. Sorry? Excuse me?

A. I signed the document.

Q. Okay. Let's go back to the first
page of the document, please. There's

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something here which says, "floor plan provider," and it's filled in with "AFC."

What does that mean?

A. That's who owns the vehicles. It's a bank.

Q. I see. Do you know what "AFC" stands for?

A. I don't remember.

Q. Okay. And under "contacts," we have Chris Orsaris listed as "general manager" and "general sales manager."

Why is Chris Orsaris listed here as both "general manager" and "general sales manager"?

MR. GOODMAN: Object to the form.

A. He is the one who had the relationship with Capital One Bank for us to get the bank.

Q. I see. When you say, "he was the one with the relationship with Capital One Bank," was that based on his prior auto dealership experience?

MR. GOODMAN: Object to the

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form.

A. I would say, yes, to that.

Q. And under "primary credit," slash
"call back contact," there's someone named
"Edwin Feables." Who is Edwin Feables?

A. He was a finance manager at the
time.

Q. And Mr. Feables no longer works for
Victory Mitsubishi; is that correct?

A. Yes.

Q. And when did Mr. Feables stop
working at Victory Mitsubishi?

A. I don't recall the year.

Q. And was Mr. Feables fired?

A. No. No.

Q. And there's someone here listed
under C-O-A-F-A-S-M, named "Ken McGhee."

Who is Ken McGhee?

A. Capital One's bank rep.

Q. Okay. Have you ever spoken with
Ken McGhee?

A. Yes.

Q. When was the last time you spoke
with Mr. McGhee?

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A. Last week.

Q. And in that conversation last week, was anything discussed about this case, Farah Jean Francois, or the vehicle?

A. No.

Q. How regularly do you speak with Mr. McGhee?

A. Can't really say. Whenever he stops by to say hello to me. Maybe once a month, once every two months.

Q. And, in general, what's the nature of those conversations? What are they about?

A. With me, generally, last week, he just wanted to tell me when he is sending things for Christmas to the employees as a thank you, as a lunch. He does -- yeah, very rarely. He usually goes to the showroom. My office is across the street, though.

Q. I see. And then there's someone here listed under "C-O-A-F-R-S-M, Robert Montgomery." Who is Robert Montgomery?

A. He worked for Capital One.

Q. You testified that you have an office at the 4101 Boston Road address; is

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that correct?

A. Yes.

Q. Who else has an office at that address?

A. My comptroller, bookkeeper, accounts payable, two DMV girls, and customer relations. And then another person who takes pictures of the vehicles. And myself, of course.

Q. Does Chris Orsaris have an office at that address?

A. No.

Q. Does Chris Orsaris have an office at the 4070 Boston Road address?

A. No.

Q. Where does Chris Orsaris work out of?

MR. GOODMAN: Object to form.

A. On his computer, I guess, from home.

Q. And has he been doing that since the pandemic, or is that just, sort of, always been the way that he has worked?

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A. That's always been the way he worked.

Q. I see. And if you turn to Defendant's 77 of the document, you will see that Stavros Orsaris is listed as a "managing member." Why is Stavros Orsaris listed as a "managing member"?

MR. GOODMAN: Object to form.

A. I don't know.

Q. Okay. And on the next page, Maria -- I apologize if I'm mispronouncing -- Maria Sores is listed as "comptroller."

Is Maria Sores still the comptroller at Victory Mitsubishi?

A. Yes.

Q. How does the hiring of people work at Victory Mitsubishi?

MR. GOODMAN: Object to the form.

Q. Generally, in 2020.

MR. GOODMAN: Still object to form.

A. In what department?

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Q. Well, I guess that, sort of,
answers the question. Let's talk about that.

How is that divided, in terms of
hiring, by department?

A. Management.

Q. Okay. And so is hiring for the
jobs at the 4101 location, and the hiring for
the 4070 location, are those different?

A. Yes.

Q. Who is in charge of the hiring for
the 4070 location?

A. Stavros.

Q. And are you involved in the process
of hiring people for the 4070 location?

A. No.

Q. Is Phillip Argyropoulos involved in
hiring the people at the 4070 location?

A. No.

Q. Is Chris Orsaris involved in hiring
of people at the 4070 location?

A. No.

Q. Do you have your own office at the
4070 location?

A. I do not.

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Q. Does Phillip Argyropoulos have his
own office at the 4070 location?

A. No.

Q. Victory Mitsubishi is a d/b/a,
correct?

A. Correct, yes.

Q. And besides Spartan Auto Group,
what other companies has Victory Mitsubishi
been used as a d/b/a for?

MR. GOODMAN: Object to the
form. Go ahead.

A. Victory Motors.

Q. And where did Victory Motors
operate?

A. Largemont.

Q. Did Victory Motors operate anywhere
else, besides Largemont?

A. No.

Q. Did Victory Auto Group ever use the
d/b/a Victory Mitsubishi?

A. No.

Q. Who are the current owners of
Victory Mitsubishi?

A. I am.

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Q. Are there any other owners of
Victory Mitsubishi?

A. No.

Q. When Victory Mitsubishi was opened,
who were the owners?

A. I was.

Q. Anyone else?

A. When it opened? I don't recall.

Q. How about in May of 2020, were
there any owners, besides yourself, in May of
2020?

A. No.

Q. Let's take a look at what is going
to be marked Exhibit 45. This is one of the
new exhibits I sent this morning. It's
schedule K-1 forms, Bates-stamped Francois
3531 to Francois 3538.

MR. GOODMAN: You should

have those over there. The K-1s.

Q. All right, just let me know when
you have those forms in front of you, please.

A. I have them.

Q. Okay. What are these documents?

A. K-1s.

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Q. Sorry, I couldn't --

A. K-1. The K-1 forms.

Q. And who filled out these documents?

A. The accountant.

Q. Okay. Was there a different
accountant for Victory Motors and Victory
Auto Group, LLC?

A. At what year?

Q. Let's start within 2016.

A. In 2016, no.

Q. Who fills out the K-1 forms for
Victory Mitsubishi?

MR. GOODMAN: Objection;
form.

A. The accountant.

Q. And who is the accountant?

A. Allan.

Q. What's the last name?

A. Digsberg.

Q. And on the K-1 forms for Victory
Mitsubishi, are you listed as the partner?

A. For Victory Mitsubishi?

Q. Uh-huh.

A. The owner.

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Q. The owner.

A. I don't see any documents here for
Victory Mitsubishi.

Q. There aren't any. We don't have
any, as of yet.

A. Okay.

Q. And so for those K-1 documents for
Victory Mitsubishi, would those show the
percentage of your ownership?

A. I am not sure.

Q. Okay. And returning to the
documents, actually, in front of you, if you
turn to the page marked Francois 3535, it
will be for the year 2016.

A. Yes.

Q. And this document appears to list
your ownership in Victory Auto Group, LLC, as
"one percent"; is that accurate?

A. I believe so.

Q. Okay. And was that your ownership
in Victory Auto Group, LLC, up until it
ceased operations?

A. No.

Q. How did it change?

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A. To thirty percent. I just don't know the year.

Q. That's fine. Let's go to Exhibit 28, please.

MR. GOODMAN: Bates stamps?

MS. CATHERINE: Bates stamps is subpoena responses 463 to 484. These are the franchise agreements with Mitsubishi.

THE WITNESS: I have it?

MR. GOODMAN: Yeah, should be there.

Q. Okay, could you explain to me what this document is?

A. I don't have it in front of me.

Q. Oh, I'm sorry.

MR. GOODMAN: That's okay.

MS. CATHERINE: It has the Mitsubishi logo at the top. It's titled "Dealer Sales and Service Agreement."

MR. GOODMAN: Okay, so we have, starting at 463?

MS. CATHERINE: Uh-huh.

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MR. GOODMAN: Yeah.

THE WITNESS: Okay.

Q. And so what is this document?

A. It's the dealer agreement with
Mitsubishi.

Q. And what is the purpose of this
agreement with Mitsubishi?

MR. GOODMAN: Object to
form.

A. Ownership.

Q. Okay.

A. Of Mitsubishi, the franchise.

Q. And let's turn to the page
Bates-stamped subpoena responses 464.

A. Okay.

Q. And here it listed your percentage
of ownership as "thirty percent." Is that
what you were talking about, in terms of your
ownership changing to thirty percent?

A. No. You asked me for Victory Auto
Group.

Q. I see. So this is -- this is for
Spartan Auto Group, correct?

A. Correct.

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Q. And is this accurate, that you are a thirty percent owner in January 30, 2018?

MR. GOODMAN: Object to form; go ahead.

A. It's accurate. And the reason why -- should I explain?

MR. GOODMAN: Yeah, go ahead.

A. The reason why it was thirty percent, Mitsubishi knew I owned Spartan Auto Group, that Phillip did not own Spartan Auto Group. But to get me to one hundred percent, he had to slowly change to thirty percent Mitsubishi, so I could be approved as 100 percent owner of Mitsubishi.

Q. And I know that you don't work at Mitsubishi, but what is your understanding of why that was required?

MR. GOODMAN: Object to the form.

A. There's an -- they have approvals. I am not sure, exactly, what it was. We did as we were told from Mitsubishi.

Q. Okay. So this -- this, sort of,

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transition of franchise ownership process,
was something that Victory Mitsubishi had
recommended to you; is that correct?

A. Mitsubishi Motors recommended to
me.

Q. Oh, sorry. Yes, yes.

A. Mitsubishi Motors recommended it to
us, knowing that I only owned Spartan Auto
Group.

Q. Okay. And when did Mitsubishi
Motors recommend this to you?

A. When we first did our application
with them. So I believe in 2018, around that
time.

Q. Okay. Why was it that you were
moving towards you operating the franchise
solely, and Phillip no longer being involved?

MR. GOODMAN: Object to
form. Lots of objections to form.
Go ahead.

A. Because I owned Spartan Auto Group.
So he had zero interest to that.

Q. Sure. Sure. Let me rephrase the
question.

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With the closing of Victory Auto Group, LLC, is Phillip involved in the auto dealership business any longer?

MR. GOODMAN: Object to form; go ahead.

A. No.

Q. And why did he cease his involvement in auto dealerships?

MR. GOODMAN: Object to form.

A. He never was involved. He didn't work at the dealership.

Q. Sure. Let me rephrase.

Why did he cease investing in auto dealerships?

A. Ask him that question.

Q. Do you have any -- do you have any understanding of why he did?

A. I -- I -- I run day-to-day operation. I am there. He is not. He is an attorney. So he has no responsibilities of it. So I don't know. You should ask him that question.

Q. Okay. And if you turn to the page

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marked subpoena responses 47 --

A. I got it.

Q. -- you will notice in the bottom left corner, the agreement date is listed as "March 1st, 2021." Were there any other dealer sales and service agreements between January 30, 2018, and March 1st, 2021?

A. I'm not sure.

Q. Okay. If there are not any other dealership agreements between these two agreements, is it reasonable to assume that the January 30, 2018, agreement, governed in May of 2020?

MR. GOODMAN: Object to
form.

A. I don't know.

Q. If you could please turn to subpoena responses 48.

A. Okay.

Q. You will notice in the bottom left corner, the agreement date is listed as "September 20, 2022." And this agreement in September 20, 2022, is the first to list you as a 100 percent franchise owner; is that

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2 correct?

3 A. It was something that was -- yes,
4 but it was something that --

5 MR. GOODMAN: Just say,
6 "yes."

7 THE WITNESS: Yes.

8 MR. GOODMAN: Can I see the
9 page? Just that page.

10 Yeah, okay, go ahead.

11 Q. If you can take a look at Exhibit
12 38, please, which is Bates-stamped Francois
13 3504 to 3514.

14 MR. GOODMAN: What is the
15 subject?

16 MS. CATHERINE: It's the
17 Mitsubishi dealer sales and service
18 agreement for Victory Motors, LLC.

19 MR. GOODMAN: Oh, boy. I
20 don't think we have that one out.
21 Yeah, that one I will have to
22 retrieve. What were the Bates
23 stamps?

24 MS. CATHERINE: It is
25 Francois 3504 to 3514.

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MR. GOODMAN: Okay, I will have to go get that one. You want to -- let's take a five-minute break, and I will pull it up.

MS. CATHERINE: Sure, that's fine.

(Whereupon, a recess was taken at this time.)

BY MS. CATHERINE:

Q. If you could turn to the page Bates-stamped Francois 3505.

And do you see the provision number four, "management of dealer"?

A. Yes.

Q. Is this provision, essentially, the same in the Mitsubishi dealership agreements that you are familiar with?

MR. GOODMAN: Object to the form.

A. I am not sure.

Q. On a day-to-day basis, who are you working with at Victory Mitsubishi?

MR. GOODMAN: Object to form; time frame.

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Q. In 2020.

A. In 2020, I was really not going to work because of COVID, so I worked remotely.

Q. Okay. Working remotely. Who would you speak with on a day-to-day basis?

A. Maria Sores and Arifacan.

Q. How often would you speak to Stavros Orsaris at that time?

A. I would say, once a day.

Q. Okay. Was there anyone in May of 2020, working at Victory Mitsubishi, with the last name Ventura?

A. I don't -- I don't recall.

Q. Okay. How many auto salespeople were working at Victory Mitsubishi in May of 2020?

MR. GOODMAN: Object to the form. You mean -- object to form; go ahead.

A. In what department?

Q. Sure. Let me rephrase the question. How many sales associates were working at Victory Mitsubishi in May of 2020?

A. Just sales? Salespeople?

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Q. Yes.

A. Hard for me to answer because of the time with COVID. I really don't know. I was not present.

Q. So was it changing a lot at that time?

A. It was not that it was changing. It's because of COVID, you know, there was rules and regulations, so we had different shifts to keep everybody far away from each other. So I really don't know because I was not there at all.

Q. And who set that up, the, you know, having different employees during different shifts for COVID prevention reasons?

A. Stavros.

Q. How many managers were there at Victory Mitsubishi in sales and financing, in May of 2020?

MR. GOODMAN: Object to form.

A. I don't remember the amount. I don't know.

Q. Okay. Did you receive a salary for

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your work at Victory Mitsubishi, in May of 2020?

A. I don't -- "salary"? I don't -- I believe I did. But not salary. I don't get paid salary. So, no, I did not.

Q. Okay. How does your compensation work at Victory Mitsubishi?

A. I cut myself a check whenever I can, but it's not really a salary, just ownership.

Q. Sure. When you say you're -- you cut yourself a check, what company is the payor for that check?

A. Rephrase that question.

Q. Let me just put it this way: When you say you "cut" yourself a check, what does that mean, practically?

Who is the payment going from and to?

A. Spartan to me. Spartan Auto Group pays me.

Q. Okay. What is the company payor for the paychecks of the employees at Victory Mitsubishi?

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A. I don't know the name of the company, offhand. It's on-site payroll company we use.

Q. But are the payments for employees at Victory Mitsubishi, are those coming from Spartan Auto Group?

A. Yes.

Q. And would that include Chris Orsaris?

A. He is a buyer, yes.

Q. Is he a salaried employee?

A. No.

Q. Is he paid based on commission?

A. He is paid based on -- I wouldn't say commissions. Depending on the vehicles he buys as a buyer's fees.

Q. Got you. And how is his buyer's fee agreed on?

MR. GOODMAN: Object to the form.

A. Can you rephrase that question?

Q. Sure. Who determines what his buyer's fee is at Victory Mitsubishi?

A. It's a flat fee, basically, more or

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2 less, depending on the vehicle. The
3 comptroller does -- she's the one who pays
4 him.

5 Q. Okay. So you previously testified
6 that Stavros Orsaris worked at Victory
7 Mitsubishi, prior to working at Spartan Auto
8 Group, correct?

9 A. Yes.

10 Q. Would the company that was cutting
11 his paycheck have changed at that time when
12 he went from working for Victory Auto Group,
13 to working at Spartan Auto Group?

14 A. I don't know.

15 Q. When you were working at Victory
16 Auto Group, were you working at the 4101
17 Boston Road location?

18 A. Yes.

19 Q. During the change from Victory Auto
20 Group to Spartan Auto Group, other than the
21 change in the company name, were there any
22 other changes for you as an individual?

23 A. I became the owner.

24 Q. In terms of work that you were
25 doing on a daily basis, was there any change?

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A. No.

Q. Have you fired anyone at Victory Mitsubishi?

A. I don't think so, no.

Q. Do you know of any one who has been fired at Victory Mitsubishi?

A. Do I know anyone that has been fired?

Q. Let me withdraw that question.
Who makes the decisions at Victory Mitsubishi on whether to terminate peoples employment?

A. Which department?

Q. In sales and financing.

A. Stavros.

Q. Has Stavros ever fired an employee, based on allegations of them defrauding consumers?

MR. GOODMAN: Object to the form.

A. No.

Q. Who is David Perez?

A. Manager.

Q. Did you make the decision to hire

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Mr. Perez?

A. No.

Q. Who made that decision?

A. Stavros.

Q. When did Mr. Perez start working at
Victory Mitsubishi?

A. I don't know.

Q. What were his responsibilities as a
sales manager at Victory Mitsubishi?

A. I don't know. I am assuming
whatever Stavros directed him to do.

Q. Does anyone supervise the sales and
finance managers, besides Stavros?

A. No.

Q. What interactions do you have with
those sales and financing departments, in
their ordinary course of your work?

MR. GOODMAN: Object to
form.

A. What do you mean?

Q. So, sort of, day-to-day basis of
doing your job, what sort of interactions do
you have with people who work in sales and
financing?

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A. I occasionally go to the sales room, just to say a quick hello to everybody. Not much. I don't -- they don't come to me. I don't go to them. Everything goes through Stavros or my comptroller, Maria.

Q. How did Victory Mitsubishi adapt to the COVID-19 pandemic?

MR. GOODMAN: Object to the form.

A. We followed all the regulations that were required.

Q. And who decided how to comply with those regulations?

A. Stavros. You know, a lot of business owners had to get creative during those early days of COVID-19, to continue sales and stay afloat.

Q. How did your operations change during those first few months of the pandemic?

A. We had our customers come in by appointments. We had everybody spread out. Made sure everybody was safe. That's it.

Q. Okay. So when the shut down order

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was given by the New York State government,
did you layoff any employees, even
temporarily?

A. When it was shut down, we were
closed for a few weeks. Everybody got laid
off.

Q. And you said that lasted for a few
weeks?

A. I believe it was two weeks that we
were supposed to close for.

Q. By May 30, 2020, were there any
employees who were still laid off?

A. Maybe. I don't -- I don't
remember.

Q. Okay. By May 30, of 2020, other
than the measures you had previously
explained of appointment only, and social
distancing, besides those measures, had the
operations at Victory Mitsubishi changed in
any way?

MR. GOODMAN: Object to
form.

A. No, just safety, masking, you know,
every -- no, nothing -- nothing changed.

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Q. Okay. And would that be the same
in -- on June 29, 2020?

A. On June 19?

Q. June 29, 2020.

A. Same thing.

Q. Okay. How about in September 19,
2020?

A. Same thing.

Q. Okay. When did the vehicle
lay-away program at Victory Mitsubishi start?

A. What does that mean?

Q. The vehicle lay-away program.

MR. GOODMAN: Vehicle
lay-away program. Go ahead.

A. I don't know what that means.

Q. Okay. What was the remote process
Victory Mitsubishi had during COVID-19?

MR. GOODMAN: Object to
form.

A. We did not do any remote sales, nor
did any customers apply for remote sales. It
was a marketing company we used that did that
for promotion. No customer reached out for
that, nor did we ever do any of that. It was

DIANE ARGYROPOLOUS
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2 marketing.

3 Q. Could you tell me what the term
4 "remote process" and "home delivery" means?

5 MR. GOODMAN: Object to
6 form.

7 A. We didn't do it, so I really cannot
8 tell you the terms.

9 Q. So your testimony is that Victory
10 Mitsubishi did not have people buy and
11 finance cars remotely during the COVID-19
12 pandemic?

13 A. Yes, correct.

14 Q. So during the COVID-19 pandemic,
15 what was the general process of the
16 purchasing and financing of a car?

17 How would that work?

18 A. I don't work on the sales floor, so
19 I can't really tell you that. I can assume,
20 but I can't tell you what.

21 Q. I don't want you to assume.

22 A. That's why I am saying, I don't
23 work the floor, and during COVID, I didn't go
24 to the dealership for a very long time.

25 Q. Did you go into the dealership at

DIANE ARGYROPOLOUS
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2 all during the year of 2020?

3 A. I did.

4 Q. Why did you go into the dealership
5 during 2020?

6 MR. GOODMAN: Did you finish
7 your answer?

8 THE WITNESS: I did not.

9 Q. Sorry, go ahead and finish your
10 answer, please.

11 A. I did. But I did not go to the
12 showroom at 4070 for maybe a year.

13 Q. Okay, sorry.

14 A. I would go to 4101, to my office.
15 I would take stuff home to continue doing my
16 work.

17 Q. Got you. Got you. During the year
18 of 2020, who was supervising the sales floor
19 at Victory Mitsubishi?

20 A. Stavros.

21 Q. Was anyone else in charge of
22 supervising the sales floor at Victory
23 Mitsubishi during that time?

24 A. No.

25 Q. Who would supervise, if Stavros was

DIANE ARGYROPOLOUS
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2 sick or on vacation?

3 A. He doesn't -- he comes at -- he is
4 healthy; knock on wood. He doesn't get sick,
5 and he doesn't really go on vacation. I know
6 it sounds crazy, but he just doesn't go on
7 vacation so far, at least.

8 Q. Who would the first person a
9 customer would talk to on the sales floor be,
10 when they come in to buy a vehicle, in May of
11 2020?

12 A. I don't know.

13 Q. Who would help consumers fill out
14 credit applications, in May of 2020, at
15 Victory Mitsubishi?

16 A. I don't know.

17 Q. Which Victory Mitsubishi employees
18 were pulling credit reports, in May of 2020?

19 MR. GOODMAN: Asked and
20 answered. Go ahead.

21 A. Only managers run credit at all
22 times.

23 Q. So that was the case in May of
24 2020, and during other times in Victory
25 Mitsubishi's history; is that correct?

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A. Correct.

Q. Are there video cameras in the sales floor at Victory Mitsubishi?

A. Yes.

Q. So video recordings are made of the sales at Victory Mitsubishi, correct?

MR. GOODMAN: Object to the form; time frame.

Q. In May of 2020?

A. I -- we do have cameras. I just don't know if they are in every office, but we do have cameras for security purposes.

Q. And what do you mean by "for security purposes"?

A. Break-ins, people trying to steal cars.

Q. Do you have access to the recordings made by those cameras?

A. No.

Q. Who does have access to those recordings?

A. My IT guy and Stavros.

Q. Who is your IT guy?

A. He has a weird name. I don't

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remember his name. I don't know.

Q. That's all right.

MS. CATERINE: Can we just
leave a blank.

TO BE FURNISHED: _____

A. Yeah, I can get it.

MR. GOODMAN: Take it under
advisement.

Q. And I won't tell him.
Have you ever seen any video
recordings made with those cameras?

A. Yes.

Q. What were the circumstances of you
reviewing video recordings made on those
cameras?

A. It doesn't matter on time frame?

Q. Let's say in 2020.

A. In 2020, we had a break-in when
they were rioting, so that's -- the cameras
got into the parking lot, and the vehicles
that they stole.

Q. Did you report those break-ins and
thefts to the police?

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A. Yes.

Q. Other than break-ins and thefts, have you ever spoken with the police about anything regarding Victory Mitsubishi?

A. No.

Q. And so during -- when you were reviewing those videos of the break-in in 2020, were you in someone's office?

A. They sent it to me because I wasn't at the dealership, so, yeah.

Q. I see. They sent it to you in an e-mail or otherwise somehow digitally?

A. In an e-mail. My work e-mail.

Q. Other than for break-ins, have you ever been sent video recordings made by cameras at Victory Mitsubishi?

A. No.

Q. Do you recall any instances of identify theft happening at Victory Mitsubishi?

MR. GOODMAN: Object to the form.

A. What time frame?

Q. During the entire history of the

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2 dealership?

3 A. Only this one. Only this case.

4 Q. Aside from Ms. Francois, has any
5 other consumer told you that a vehicle was
6 sold or financed in their name, without their
7 authorization?

8 MR. GOODMAN: Object to the
9 form; go ahead.

10 A. I saw a review that was written up
11 with Mitsubishi just a few days ago, but we
12 do have video of the customer actually being
13 there and signing all of the documents, and
14 it was resolved immediately. An
15 eighty-five-year-old woman, which I was on
16 Mitsubishi, which I know you have.

17 Q. Now might be a good point to break
18 for lunch, if you want to do that.

19 MR. GOODMAN: Okay, so we
20 will take half-hour.

21 MS. CATHERINE: Yeah, that
22 sounds good. So it's 12:07. Let's
23 try to be back by 12:37, please.

24 MR. GOODMAN: Let's make it
25 12:40, just to round up.

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MS. CATHERINE: Sure.

(Whereupon, a lunch recess
was taken at this time.)

BY MS. CATHERINE:

Q. Ms. Argyropoulos, what is your
understanding of what transpired at Victory
Mitsubishi on May 30, 2020?

MR. GOODMAN: Object to
form.

A. Customer complaining.

Q. Have you ever seen Farah Jean
Francois?

A. No.

Q. Have you ever spoken with Farah
Jean Francois, such as over the phone?

A. No.

Q. Have you ever communicated with
Farah Jean Francois in any way?

A. No.

Q. Did anyone at Victory Mitsubishi,
such as Stavros Orsaris, explain the
situation to you in 2020?

A. No.

Q. Why wasn't this situation brought

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2 to your attention in 2020?

3 MR. GOODMAN: Object to the
4 form.

5 A. I am assuming, because he handled
6 it.

7 Q. So situation like this isn't going
8 to be brought to your attention, if he has it
9 handled; is that correct?

10 A. Yes.

11 MR. GOODMAN: Object to
12 form.

13 Q. Have you ever seen Emanuel
14 LaForest?

15 A. No.

16 Q. Have you ever had any
17 communications with Emanuel LaForest in any
18 way?

19 A. No.

20 Q. In 2020, did you communicate
21 directly with any consumers at Victory
22 Mitsubishi?

23 A. No.

24 Q. You don't need to look at the
25 Capital One agreement for this, but if you

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would like to look at it, that's fine, of course. But do you have similar agreements to that Capital One agreement with other creditors?

MR. GOODMAN: Object to the form; you can answer.

A. Similar in what way? I am not understanding.

Q. Sure. Does Victory Mitsubishi have agreements with lenders, like the agreement that they have with Capital One?

A. Yes.

Q. Are there any lenders that Victory Mitsubishi submits applications to, that Victory Mitsubishi does not have an agreement with?

A. No.

MR. GOODMAN: Go ahead.

THE WITNESS: Sorry.

MR. GOODMAN: It's fine.

Q. You said that Stavros Orsaris was listed on the Capital One agreement as manager because he had a prior relationship with Capital One; that's your testimony,

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2 correct?

3 MR. GOODMAN: Objection.

4 Mischaracterizes. She said
5 Chris Orsaris.

6 MS. CATHERINE: Sorry, did I
7 say --

8 MR. GOODMAN: You said
9 Stavros.

10 MS. CATHERINE: Chris
11 Orsaris.

12 THE WITNESS: Yes.

13 Q. Did Chris Orsaris suggest putting
14 him as manager and sales manager on that
15 agreement?

16 MR. GOODMAN: Object to
17 form; go ahead.

18 A. No.

19 Q. Did you make that decision to put
20 him as manager and sales imageer on that
21 agreement?

22 A. I don't recall. I just remember
23 that we got Capital One because of Chris'
24 relationship.

25 Q. So you don't recall the

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circumstances that led to him being listed as the manager, other than his prior relationship with Capital One; is that correct?

A. That would be the only reason, correct.

Q. Did Chris Orsaris work for Victory Auto Group?

MR. GOODMAN: Object to form; go ahead.

A. What time frame?

Q. Ever. Did he ever work for Victory Auto Group?

A. Yes.

Q. At what time did you work for Victory Auto Group?

A. In 2016.

Q. Okay. Was that soon after you had first met him in a social capacity, that you had mentioned earlier?

A. Yes.

Q. Was he working as a buyer, like he is for Victory Mitsubishi, currently?

A. Yes.

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Q. Did Chris Orsaris have to fill out a job application to obtain the position that he had at Victory Auto Group?

A. What kind of application?

Q. Like an employment application.

A. Yes.

Q. And who reviewed that employment application?

A. My comptroller.

Q. Okay. And did that application ask for any references?

A. I think it does.

Q. Does that application authorize Victory Auto Group to perform a background check on the applicant?

A. I don't -- I am not sure.

Q. Does Victory Mitsubishi perform background checks on employees?

A. No.

Q. Are you aware of Chris Orsaris' criminal history?

A. Yes.

Q. When did you learn of Chris Orsaris' criminal history?

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A. Many years ago. I knew when I met him about his history.

Q. How did you come to learn about his history?

A. He is Greek, I am Greek. It's a small circle.

Q. I see.

A. Yes.

Q. Why did you hire Chris Orsaris, given his criminal history?

MR. GOODMAN: Objection to form. Go ahead.

A. He is very good at what he does. Whatever crime he committed, he did his time. He served his time. You still have to give people chances.

Q. Sure. Is the vehicle at issue in this case still in the possession of Victory Mitsubishi?

A. I believe so.

Q. Has Victory Mitsubishi attempted to sell the vehicle, since it regained possession of it in September 2020?

A. No.

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Q. Why not?

A. Because Victory Mitsubishi does not own the vehicle.

Q. Who does own the vehicle?

A. I'm assuming the customer. Whatever her -- French Francois.

Q. Francois.

A. Francois.

Q. But you don't know who owns the vehicle? That's just your guess?

A. Yes.

Q. Has Victory Mitsubishi made any efforts to regain title for the vehicle?

A. No. Not that I recall. Not that I know of.

Q. Has Capital One reached out to Victory Mitsubishi to obtain any kind of refund or any other kind of compensation, in regard to the vehicle?

A. Not to me.

Q. Are you aware that Capital One performed an investigation of the identity theft at issue in this case?

A. I don't know.

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Q. What happened to the down payment
for the vehicle in this case?

A. I believe she has it.

Q. And let's go to exhibit -- this is
going to be marked as Exhibit 43. It's
screenshots of Instagram.

MR. GOODMAN: Is this 3934?

MS. CATHERINE: Yes, 3934
through 3950.

Q. Ms. Argyropoulos, are you familiar
with the social media application Instagram?

A. I am.

Q. And do you know who the user
Chris.Victory_123 is?

A. No.

Q. Okay. On this first page, we have
a screenshot of a post by a
Chris.Victory_123, which appears to be of a
logo that reads, "Powered by Victory."

Are you familiar with this logo?

A. No.

MR. GOODMAN: She's on the
first page.

THE WITNESS: All right.

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Yeah, yeah, no.

Q. And under the logo, there's a caption which reads, "It's called branding," and there are -- other users are tagged, specifically, Victory.Mitsubishi, Victory Cars East, and Dream Car Gallery 760.

Are you familiar with any of these Instagram accounts?

A. I know Victory Mitsubishi and Victory Cars East.

Q. And who are those accounts for?

MR. GOODMAN: The question is: Are you familiar with Instagram accounts of those entities?

THE WITNESS: I mean, I know Victory Mitsubishi has Instagram. Victory Cars East has Instagram.

Q. Who runs the Instagram account for Victory Mitsubishi?

A. My -- BDC manager. Bibi.

Q. Who runs the Instagram account for Victory Cars East?

A. She does as well, but I believe

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that she uses an outside marketing for both.
But she's responsible for it.

Q. And what's the name of that outside
marketing firm?

A. I don't know.

MS. CATHERINE: Can we just
leave a blank in the transcript for
that answer, please.

TO BE FURNISHED: _____

MR. GOODMAN: We will take
it under advisement.

Q. And if you could turn to the page
Bates-stamped 3936. I know it's a little
hard to see the Bates stamps on these, but
it's the picture of the white car in front of
a dealership.

A. Okay.

Q. And the caption for this Instagram
post is a lightening emoji, followed by the
text "buy Victory." Do you know what the
"buy Victory" here is in reference to?

A. I am not sure.

Q. Okay. Do you know the store that

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is in this picture?

A. I do.

Q. And what is that store?

A. It's a car dealership.

Q. And where is that dealership?

A. In Long Island.

Q. Who operates that dealership?

A. It's no longer in business. I don't know the person's name. But it's no longer in business.

Q. Do you know when it ceased operations?

A. I am not sure. I don't know.

Q. Okay. Let's turn to Francois 3938, please. And is this Instagram account the account for Victory Mitsubishi?

A. It looks like it is.

Q. And you see there's a little circle in the upper left-hand corner of the screenshot with a logo in it, "Victory Mitsubishi"?

Are you familiar with this logo?

A. Yes.

Q. Who created this logo?

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A. I believe Bibi did.

Q. Her last name is Singh, correct?

A. Yes.

Q. Who is Ms. Singh's employer?

A. I am.

Q. So Spartan Auto Group, LLC is her employer?

A. Yes.

Q. Does she work for anyone else, besides Spartan Auto Group?

A. She works for Victory Cars East, and I am not sure if anywhere else.

Q. Okay, let's turn to the next page, please. It's the screenshot of an advertisement for a "vehicle layaway program."

After reviewing this screenshot, does this refresh your recollection as to what the "vehicle layaway program" is?

A. I don't know. We never had it. I am assuming whoever was marketing just did that. I don't know. We never did a layaway program.

Q. Why would it be marketing, if you

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never did a layaway program?

A. I don't think any customer ever inquired to do one, so I don't think we ever had the opportunity. So nothing was ever done.

Q. So for clarification, was there a program that was never used, or was there just never a program?

A. Nobody ever approached to use it, so we -- it never happened.

Q. I see. And who would have set up this program at Victory Mitsubishi?

MR. GOODMAN: Object to form.

A. I am assuming Bibi, with marketing.

Q. When you say, "with marketing," do you mean marketing employees at Victory Mitsubishi or what do you mean?

A. An outside marketing.

Q. Outside. Is there an agreement between that outside marketing firm and Victory Mitsubishi?

A. I am not sure.

Q. Does the outside marketing firm

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2 have authority to create sales and financing
3 programs at Victory Mitsubishi?

4 MR. GOODMAN: Object to the
5 form; go ahead.

6 A. I am not understanding the
7 question.

8 Q. Sure. There's this screenshot of
9 this vehicle layaway program, and it's my
10 understanding, based on your testimony, that
11 this was created by the marketing firm. So
12 my question is: Did they have the authority
13 to create new programs for Victory
14 Mitsubishi, like this vehicle layaway
15 program?

16 MR. GOODMAN: Object to
17 form; go ahead.

18 A. Whatever they create gets reviewed
19 by Bibi. She discusses all marketing with
20 them.

21 Q. Okay. So this advertisement and
22 the other advertisements on the Victory
23 Mitsubishi Instagram page, would have been
24 approved by Ms. Singh; is that correct?

25 A. Correct.

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Q. There's a phone number here at the bottom of this advertisement, (347) 846-0825.

What phone number is that?

A. I assume it's one of the phone numbers. We have many. I don't know them all by heart.

Q. I see. Do you know how many phone numbers you have at Victory Mitsubishi?

A. Not offhand, no.

Q. Okay. Okay, let's turn to Francois 3941. This is an Instagram screenshot of a picture of a woman in a black jacket, standing in front of a red vehicle.

A. Okay.

Q. If you look under the picture, you will see a caption dated March 27, 2020, which reads "back in action. Please contact us today about our new remote process and home delivery."

Does this post refresh your recollection as to what the "new remote process and home delivery" is?

A. We discussed that before. I told you, we never did it. So we advertise it,

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nobody ever inquired it, so we never sold any cars remotely.

Q. Okay. Who made the decision to advertise this remote process and home delivery?

A. I am assuming, Bibi and the marketing team.

Q. Okay. Would she have discussed programs like this remote process and home delivery with anyone else at Victory Mitsubishi, prior to posting about it on Instagram?

A. She might have.

Q. Turn to the next page, please. This is my personal favorite because it's a dog.

A. It's cute. It's a dog. I never saw it. It's cute.

Q. Okay. And the caption to this one reads, "Did you know that you can now shop, buy, apply for financing for your next new or preowned car or truck SUV at Victory Mitsubishi, all from the convenience of home? Find out more details at" -- and there's a

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2 URL there.

3 A. Right.

4 Q. And what is this Instagram post
5 referring to?

6 A. The same thing that the page before
7 -- remote sales. It's the same thing, worded
8 differently.

9 Q. Okay.

10 A. The governor allowed remote sales
11 at that time due to COVID.

12 Q. I see. Okay. And if you could
13 turn two pages to -- there's an Instagram
14 screenshot that shows an advertisement of a
15 man on a cell phone with the text, "buy your
16 vehicle from your smartphone, new or
17 preowned. Get the numbers and make the deal
18 over the phone. See the vehicle you want
19 using these apps," and it lists a number of
20 different applications.

21 Is this also in reference to the
22 same program that we've been discussing?

23 A. Yes.

24 Q. Okay. And if you could turn to the
25 next page, we have another screenshot that

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2 reads, "Buy online." Is this in reference to
3 the same program we've been discussing?

4 A. Yes. Sorry.

5 Q. It's all right. And if you could
6 turn to the next page, please. There's a
7 picture of a woman wearing medical scrubs,
8 gloves, and a mask. It has a caption which
9 reads, "Coronavirus update, for those
10 customers who wish to visit us here at the
11 dealership to look more closely at their new
12 or used vehicle choices, we now have gloves
13 and surgical masks available as an added
14 precaution."

15 Why does this post specify, "for
16 those customers who wish to visit us here at
17 the dealership"? Don't all customers go to
18 the dealership in person to purchase
19 vehicles?

20 MR. GOODMAN: Object to the
21 form; go ahead.

22 A. They do.

23 Q. So why does the post specify, "for
24 those customers who wish to visit us here"?

25 A. I don't know. We did not do any

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2 remote sales, even though by law we were
3 allowed to do so. I guess they are still
4 marketing because you were still legally
5 allowed to do remote sales and wanting people
6 to feel comfortable because we did give out
7 boxes of masks because we bought
8 thirty-thousand masks, even if the people
9 didn't buy the cars, for protection, and
10 gloves. It was just a nice thing we did.

11 Q. You have referenced a couple of
12 times now that under the emergency orders,
13 that it was permitted to do remote sales of
14 vehicles. Do you know what the requirements
15 were to perform those remote sales of
16 vehicles?

17 A. I don't remember.

18 Q. Do you know if there were any
19 trainings at Victory Mitsubishi on how to do
20 remote sales of vehicles?

21 A. If we were going to do any remote
22 sales, it was going to be Stavros doing them
23 directly himself. But no customer ever
24 inquired in it, so we -- we never did it.
25 But he was going to do it himself.

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Q. Okay. Okay. Let's turn to the page which has the screenshot that starts with the text, "We are resuming our regular hours."

MR. GOODMAN: What's the Bates stamp on it?

MS. CATHERINE: This is Francois 3949.

A. Okay.

Q. And if you could just take a second to read the text on that page and just let me know when you are finished.

A. Okay.

Q. What is this post in reference to?

A. If I remember correctly, are hours were modified for the first two weeks. We were understaffed, so I don't think we were open as early. I think we started our day later. But I don't really remember.

Q. And this post is dated June 10, 2020. Was Victory Mitsubishi still only doing sales by appointment on June 10, 2020?

A. I am not sure.

Q. Okay. If you can turn to the next

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2 page, please. This page features a
3 screenshot which has the text, "You can do it
4 all from home," dated June 26, 2020."

5 What is the meaning of, "You can do
6 it all from home"?

7 MR. GOODMAN: Object to
8 form.

9 A. Buying a vehicle.

10 Q. Can you open Exhibit 21, please,
11 which is the deal jacket. What is this
12 document?

13 A. On page twenty-one?

14 MR. GOODMAN: No, the whole
15 thing.

16 THE WITNESS: Oh, whole
17 document.

18 Q. The whole document.

19 MR. GOODMAN: Exhibit 21.

20 A. The front of it is a deal jacket.
21 The whole document -- I see a credit app. I
22 see receipt for deposit. I see a contract
23 for financing the vehicle. I see a form for
24 registration and titling. I see the
25 inspection of the vehicle. I see the

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2 warranty contract. Capital One funding. The
3 bill of rights form. The bill of sale.
4 Information about the vehicle. The
5 application for the financing, the rate, the
6 driver's license, insurance card, the plate
7 number, MV-50 for registration, a copy of the
8 title for the vehicle.

9 Q. In the ordinary course of your
10 business working at Victory Mitsubishi, do
11 you review deal jackets for any reason?

12 A. No.

13 Q. And we discussed earlier that
14 Victory Mitsubishi has the vehicle, but does
15 not have title to the vehicle at this time.

16 Is there a way for Victory
17 Mitsubishi to obtain title at this time?

18 A. I am not sure.

19 Q. Do you know if there's any process
20 underway to obtain title for the vehicle?

21 A. I don't know any.

22 Q. Who at Victory Mitsubishi would
23 handle issues with titles for vehicles?

24 MR. GOODMAN: Object to the
25 form.

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A. What kind of issues?

Q. Let's just start with making sure there's a title corresponding to the vehicle.

A. The vehicles that are owned by Victory Mitsubishi?

Q. Yes.

A. My title clerk.

Q. And who is that?

A. Areefa.

Q. Last name?

A. Khan.

Q. Could you spell that, please?

A. K-H -- last name?

Q. Both, if you know how.

A. Yes. A-R-E-E-F-A, last name is K-H-A-N.

Q. Okay, can you open Exhibit 23, please, Bates-stamped Defendant's 85 through 92. It's the screenshots from Dealertrack.

THE WITNESS: It's not this one?

MR. GOODMAN: No, no.

It's this one.

THE WITNESS: Okay.

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Q. Okay, starting with this first page, is there a customer selection option when you open Dealertrack?

A. I am not understanding.

Q. Sure. So the way that you use Dealertrack is a bit different than the way that the sales and financing people use Dealertrack, correct?

A. Yes.

Q. And do you know if the screens look different for you on Dealer Track, than for people on sales and financing?

A. Yes.

Q. Okay. And are you familiar with a screen like the one on Bates-stamped Defendant's 85, titled "customer selection"?

A. I have the same screen on that.

Q. Okay. Great. And if you could turn to the next page, please. And when you select a customer in customer selection, would a screen like this one show up for you?

A. Yes.

Q. And you will see here there's a field for "sales person one," and it's filled

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2 in with the numbers "999."

3 Who does "999" refer to?

4 A. There was no salesperson on the
5 deal.

6 Q. I see. So 999 is just kind of a --
7 what you would put in if there was no
8 salesperson involved with the deal?

9 A. Yes.

10 Q. Okay. Great. And who does "A31"
11 refer to in the field titled "F and I
12 manager"?

13 A. That's the finance manager's.

14 Q. Do you know who "A31" is?

15 A. I am not sure. They all have
16 numbers. I would have to go to a different
17 screen to see it.

18 Q. Is there any document, including an
19 electronic document, like a screen you could
20 pull up in Dealertrack, that lists all of the
21 employee identification numbers, like 999,
22 and A31?

23 A. There may be.

24 MS. CATHERINE: We would call
25 for the production of that

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document.

A. I mean...

MS. CATHERINE: To the extent
it exists.

MR. GOODMAN: Taken under
advisement.

Q. And if you could turn to the next
page, please. And there's text here that
reads, "function," and there's an asterisk
and then a yellow box to the right of it.

Do you know what that is?

A. I don't know this screen.

Q. Okay. Remains a mystery.

MR. GOODMAN: Excuse me.

Q. Let's see. Could you turn to the
page marked Defendant's 90. It's the one
with Progressive Insurance.

A. Okay, got it.

Q. And has Victory Mitsubishi had any
communications with Progressive Insurance
since the vehicle was returned to the Victory
Mitsubishi in September of 2020?

A. I don't know.

MR. GOODMAN: Object to the

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form. You mean about this vehicle?

MS. CATERINE: Yes, about
this vehicle.

A. I don't know.

Q. Okay. If you could turn to the
next page, please. And we see accountings of
different amounts for the sale of the
vehicle, and there's a field for
"registration," with the amount 250.

What is that?

A. Two --

MR. GOODMAN: Where is it
at? Oh, I see it. Okay, go ahead.

A. To register and title the vehicle.

Q. Okay. And does Victory Mitsubishi
keep the registration fee for vehicle sales?

A. It pays DMV to register the cars.

Q. I see. So that payment goes to the
DMV?

A. Correct.

Q. Okay. And then there's a service
contract, which I know you also identified in
the deal jacket, and the amount for that is
\$3,000. Do you know what happened to that

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\$3,000, since the return of the vehicle in
September 2020?

A. I don't know.

Q. Do you know if the service contract
has been refunded?

A. I don't know.

Q. And there's a "document fee" here
of \$75. What is the "document fee"?

A. I am not sure.

Q. Okay. If you could look at the
last page, please, Defendant's 92.

What is this document?

A. I have never seen it before.

Q. Okay. If you could open -- let's
open what is going to be marked Exhibit 44.
This is one of the new documents. It's
Bates-stamped subpoena responses 569 through
574. It's a Dealertrack document.

MR. GOODMAN: Okay. Yeah,
this might be it. 569 to 574?

MS. CATHERINE: Yeah, six
pages.

Q. Prior to your preparation for your
deposition today, had you ever seen a

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document like this one, either printed out or
on a computer screen?

A. I have seen it on a computer
screen.

Q. Okay, what is this document?

A. It's Dealertrack, on the process
of the vehicle.

Q. And who has access to this?

A. Finance managers and Stavros.

Q. And if you could go to the last
page of the document, subpoena responses 574,
and, actually, before I ask about that, why
would the finance managers or Stavros access
this document in the ordinary course of their
business?

MR. GOODMAN: Object to
form; go ahead.

A. To send the application to the
bank, so the bank can fund the deal.

Q. Okay. All right. And looking at
the last page of the document 574, it begins
with an entry time stamped "4:54 p.m., Y.
Ventura, deal jacket created."

Who is Y. Ventura?

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A. I don't know.

Q. Okay. And what does "deal jacket created" refer to?

A. I am not sure.

Q. So in the ordinary course of your working at Victory Mitsubishi, do you review this document?

A. No.

Q. Okay. There's an entry further towards the top time stamped 4:58 p.m., which reads, "privacy notice manually signed."

Do you know what this refers to?

A. I am not sure.

Q. If you go to the previous page, 573, go to the bottom of the page, you will see there's an entry time stamped 4:59, by this Y. Venture, "Trans decision approved." The next entry is time stamped 6:09 p.m., by Jessica Vallejo, and that reads "credit application copied."

Do you know why it switched from Y. Ventura to Jessica Vallejo?

A. I don't know.

Q. Do you know why, generally, in the

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1
2 sales and financing of a vehicle, why
3 Dealertrack would have one Victory
4 Mitsubishi employee pulling the credit report
5 and submitting credit application, and then
6 switch to a different Victory Mitsubishi
7 employee?

8 MR. GOODMAN: Object to the
9 form.

10 A. Because the second one gets
11 switched over -- submits the deal to the
12 bank.

13 Q. Why would that happen, generally?

14 A. Because they are the finance
15 managers.

16 Q. Is it due to them being busy or
17 what would be the reason?

18 A. Just a different responsibility.
19 They are a finance managers. That's what
20 their job is.

21 Q. Do only finance managers submit
22 credit applications?

23 A. No.

24 Q. Who else submits credit
25 applications, besides finance managers?

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A. Managers.

Q. Besides Stavros or Orsaris and David Perez, what other managers are there?

A. At what time?

Q. In May of 2020.

A. I think Jason Lewis.

Q. Does Jason Lewis still work at Victory Mitsubishi?

A. Yes.

Q. Okay. Who are the financing managers at Victory Mitsubishi in May -- on May 30, 2020?

A. I know Yessica, Joe. I am not sure if anybody else.

Q. Do you know if there's ever been a finance manager with the last name Ventura at Victory Mitsubishi?

A. Maybe.

Q. And if you could turn to the page subpoena responses 572, please. Do you know what Victory Mitsubishi's hours of operation were on May 30, 2020?

A. No.

Q. Do you know what Victory

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1
2 Mitsubishi's hours of operation are
3 currently? Specifically, for Saturdays.

4 A. I think it's nine to eight.

5 Q. Okay.

6 A. Nine to nine.

7 Q. Has there ever been a point at
8 which Victory Mitsubishi's hours of operation
9 extended past 10:00 p.m.?

10 A. I am not sure.

11 Q. Okay. And on this page we see a
12 little back and forth here between Ventura
13 and Vallejo, from 6:13 p.m. to 6:48 p.m., and
14 then nothing happens until 10:11 p.m., when
15 there's an entry which reads, "credit
16 application E-signature pending."

17 First, what does "credit
18 application E-signature pending" mean?

19 A. I don't -- I don't know.

20 MR. GOODMAN: Let me see
21 that page.

22 Q. And do you know any reason why
23 there would be entries made in Dealertrack
24 for an account after 10:00 p.m.?

25 MR. GOODMAN: Object to

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form.

Q. Sorry, what was the answer?

A. I don't know.

Q. Okay. Have you ever seen Yessica Vallejo working at the dealership, after the dealership has closed?

MR. GOODMAN: Object to
form.

A. I am not there.

Q. Fair enough.

MR. GOODMAN: Emma, if this is a good time, can we take five minutes?

MS. CATHERINE: Yeah, that's fine. This is a good time.

(Whereupon, a recess was taken at this time.)

BY MS. CATHERINE:

Q. Let's go to Exhibit 32. It's a single page, subpoena responses 326.

MR. GOODMAN: 326?

MS. CATHERINE: Yeah.

MR. GOODMAN: What is it,
Emma?

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MS. CATHERINE: It's the investigation summary by Capital One. It has tied in account numbers at the top.

MR. GOODMAN: I know what it is, but I am not -- maybe it's right here. Okay, I don't -- oh, it might be in that stack. Yeah, I am not finding it in here. I would have to print it out. You might want to ask her if she knows what it is anyway. If you want me to go print it, I will have to go out and print it.

MS. CATHERINE: Before we do that, let's go back to the agreement between Victory Mitsubishi and Capital One.

MR. GOODMAN: That's right there.

MS. CATHERINE: Exhibit 41.

Q. And if you could turn to the page Bates-stamped Defendant's 80. When you have that in front of you --

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2 A. I am trying to find it.

3 Q. Okay.

4 A. Okay, I found it. Page 80?

5 Q. Yes.

6 A. Okay.

7 Q. Okay. And do you see the section

8 titled "Fair Credit Reporting Act"?

9 A. Yes.

10 Q. And is that your signature under

11 the section titled "Fair Credit Reporting

12 Act"?

13 A. Yes.

14 Q. And what is your understanding of

15 what your signature was agreeing to on this

16 page?

17 MS. CATHERINE: Strike that.

18 Q. What is your understanding of the

19 effect of your signing this page?

20 MR. GOODMAN: Object to

21 form.

22 A. My understanding -- actually, let

23 me look at this.

24 Q. Sure. Take your time.

25 A. To have the customer and give their

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1
2 ID and signing the credit app, so their
3 credit could be run to obtain a loan.

4 Sorry, you didn't hear me?

5 Q. No, no, I heard you.

6 Is Mr. Goodman still there?

7 MR. GOODMAN: I am here. I
8 am looking through papers trying to
9 find that out.

10 MS. CATHERINE: Okay, sorry.
11 I just don't want to proceed
12 without you.

13 MR. GOODMAN: 326, Titan
14 account number. That's the one we
15 were looking for before?

16 MS. CATHERINE: Yeah.

17 MR. GOODMAN: The
18 investigation initiated -- okay, we
19 found it. There you go.

20 MS. CATHERINE: Okay, great.

21 Q. A couple of questions, first,
22 though.

23 For the Capital One document, the
24 paragraph under Fair Credit Reporting Act,
25 that says, "Under the Fair Credit Reporting

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2 Act, you are either a user of credit
3 information, a consumer reporting agency, or
4 exempt except for disclosure requirements."
5 I didn't read a parenthetical there, but what
6 is your understanding of whether you're a
7 user of credit information, a consumer
8 reporting agency, or exempt?

9 A. My understanding, they were allowed
10 to run a customer's credit to apply for a
11 loan.

12 Q. Okay. And is your understanding
13 that that would make you a user of credit
14 information?

15 A. Not me, technically, but the
16 company.

17 Q. Spartan Auto Group is the user?

18 A. Spartan Auto Group is the user.

19 Q. And the second bullet point here
20 says, "Should the financing source to whom
21 you submitted the application reject the deal
22 and supply you credit information, you might
23 find yourself being a user of a report and
24 depending on the information received,
25 trigger additional responsibilities."

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What is your understanding of what "additional responsibilities" could be triggered under these circumstances?

A. I am not sure.

Q. Okay, let's look at that investigation document, please, the one Bates-stamped subpoena responses 326.

Prior to your preparation for this deposition today, had you ever seen this document before?

A. No.

Q. Could you please take a second and read the section titled "narrative" to yourself, and let me know when you are finished?

A. Okay.

Q. Okay. There are two sentences here I want to ask you about. The first sentence is the one that says, "During the review of the account, it was discovered that an unknown suspect using the telephone numbers listed above used the victim's name, date of birth, and social security number, on June 29, 2020, to purchase a 2017 BMW 5 series for

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2 29,462.81."

3 Do you understand that statement to
4 be accurate?

5 MR. GOODMAN: Object to the
6 form.

7 A. No.

8 Q. And what do you understand about
9 that statement to not be accurate?

10 A. I believe that the customer was
11 actually at the dealership purchasing the car
12 because I discussed this with Stavros. They
13 got a lot of tickets and they didn't want to
14 claim responsibility. She came to the
15 dealership. There was communication with
16 BBC. We have recording of her. She did come
17 to the dealership. So from what I am
18 understanding from Stavros -- I was not
19 there. I didn't see the customer. That she
20 was there for -- and they got a lot of
21 tickets, thousands of dollars, and they
22 didn't want to be responsible for them.

23 Q. And what is your understanding --
24 you mentioned recordings. What are those
25 recordings?

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A. With BDC calling the customer and speaking to her.

Q. What's BDC?

A. Cust- -- the girls that call the customers to see if the visit was okay, if they came in, or to make appointment for a car.

Q. And do you know the date of those phone calls?

A. I am not sure.

Q. Do you know if those phone calls were before or after the sale of the vehicle?

A. I am not sure. I believe it was after, though.

Q. Okay.

A. I am pretty sure it was after because they -- and there's a recording. I believe we still have it. They asked how the visit went.

Q. Do you know if anyone was ever arrested or criminally charged, in relation to this alleged identity theft?

A. No. I don't know.

Q. Okay. Do you know who Emanuel

1
2 LaForest is?

3 A. Until recently, no. But now I do
4 know who he is.

5 Q. What's your understanding of who he
6 is?

7 A. They came together to purchase a
8 car.

9 Q. And the sentence I just asked you
10 about talked about telephone numbers, name,
11 date of birth and social security number,
12 which are listed above, or the phone number,
13 rather, are listed above.

14 Do you recognize either of the
15 phone numbers listed under "home phone" or
16 "work phone"?

17 A. No.

18 Q. And there's a date of birth here
19 for [REDACTED] 1982. Do you know anyone
20 with the birth date [REDACTED] 1982?

21 A. No.

22 Q. Okay. And the last sentence in
23 this narrative reads, "Capital One Auto
24 Finance has begun efforts to recover the
25 funds on the loan."

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What is your understanding of Capital One's efforts to recover the funds on the loan?

A. I don't think there was any. I am not aware of Capital One reaching out to Victory Mitsubishi. I have no knowledge of that.

Q. If that did happen, generally, would that be something that would be communicated to you?

A. Only if it wasn't resolved. But usually Stavros handles everything.

Q. Okay. So Stavros would handle it, but if there was some kind of problem or inability for him to resolve it, then he would communicate it to you; is that correct?

A. Correct.

Q. And sorry if I asked this before, but just in the general operation of the business, how often do you talk to Stavros?

MR. GOODMAN: Object to form.

A. At what time? What time frame?

Q. In 2020.

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A. In 2020, I spoke to him, I would say, maybe three times a week, maybe once a day.

Q. And what were the nature of those calls?

A. To prepare all the deposits to be sent across the street. So I would have them either delivered to me or I would show up once in a while to pick up everything to work from home.

Q. When you say, "the deposits," are you referring to the down payments on vehicles?

A. Yes, credit card or cash.

Q. And where are those kept when they are at the 4070 location?

A. In a safe.

Q. Who has access to that safe?

A. Stavros.

Q. Do you have access to that safe?

A. Honestly, no. We got a new safe, so, no, I do not because I don't go there, to be honest.

Q. I guess it shows the level of trust

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2 between you.

3 A. Honestly, no, I don't.

4 Q. And so once you pick up the down
5 payments, what do you do with them?

6 A. I close it out in our DMS system,
7 which is Dealertrack, and I send it to the
8 bank.

9 Q. And are those kept in, like, a
10 checking account, in an IOLA account?

11 What kind of account are they kept
12 in at the bank?

13 A. In a checking account.

14 Q. Are other funds kept in that
15 account, besides down payments?

16 A. Yes.

17 Q. And you say you "close it out in
18 the DMS system." Does that create a record
19 showing that the down payment was deposited
20 in a bank account?

21 MR. GOODMAN: Object to
22 form.

23 A. I mean it -- once a customer gives
24 money, it's already recorded to the deal. So
25 it follows through, but it gets recorded to

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1
2 the dealers through the receipt of the money.
3 But, yes, there's a record of making sure all
4 money goes to the bank.

5 Q. Okay.

6 MS. CATERINE: We call for
7 the production of that record in
8 regard to the down payment for this
9 vehicle.

10 MR. GOODMAN: Taken under
11 advisement.

12 Q. Okay, let's look at Exhibit 33.
13 It's a printout of a spreadsheet of
14 complaints from Mitsubishi, Bates-stamped
15 subpoena responses 485 through 489. And just
16 for the record, I am only describing the
17 documents inasmuch as to help locate them,
18 not to influence the witness in any way. And
19 just let me know when you have those in front
20 of you.

21 A. I have them.

22 Q. Okay, great.

23 What is this document?

24 A. I am assuming it's an -- I am not
25 sure. Because if I am getting it, it could

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2 look different. But I assume it's something
3 from Mitsubishi.

4 MR. GOODMAN: Don't assume.

5 If you know what it is --

6 THE WITNESS: Yeah, I am not
7 sure.

8 Q. Okay. If you turn to the page
9 stamped subpoena responses 488, you will see
10 there's a column with a bunch of cells that
11 are filled in with text describing different
12 complaints. And take your time. Feel free
13 to read all of them.

14 Do you recognize any of the
15 complaints described in this spreadsheet?

16 A. I recognize one.

17 Q. Which is the one that you
18 recognize?

19 A. "Customer daughter upset that her
20 eighty-five-year-old mother's name was on
21 it."

22 Q. Okay.

23 A. This is the recent complaint that I
24 actually discussed when I saw this document.

25 Q. I see. And who did you discuss

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2 that with?

3 A. Stavros.

4 Q. Were your attorneys present for
5 that discussion?

6 MR. GOODMAN: By counsel,
7 yes.

8 THE WITNESS: You were
9 right. I had to think. Yes, yes,
10 they were.

11 MS. CATHERINE: As curious as
12 I am, I will refrain from asking
13 what was said in that conversation.

14 MR. GOODMAN: Well, you can
15 ask.

16 MS. CATHERINE: Oh, I am, I
17 am going to.

18 Q. What is your understanding of what
19 happened in this case?

20 A. Okay, I read it, I asked Stavros to
21 come to me across the street, comes to me, I
22 asked him about it, he showed me video of
23 this eighty-five-year-old woman signing all
24 the documents, and it was resolved with the
25 customers. The daughter had an issue with

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2 the parking spot where she lives, and that's
3 why she made all this nonsense. But it has
4 been resolved and we do have footage video of
5 this eighty-five-year-old woman signing all
6 documents. So, to me, there's no issue
7 there.

8 Q. Okay. Could you explain to me a
9 little bit about what you mean by, like,
10 "parking spot"? I am a little confused with
11 what that has to do with anything.

12 A. Wherever they live had to be on the
13 daughter's name, so the building was able to
14 permit her, but she wound up resolving it.
15 When she resolved it with the building, it
16 went away. So it was all -- and we do have
17 video of the eighty-five-year-old woman
18 signing all the documents at the dealership.

19 Q. Do you still have that video?

20 A. Yes.

21 Q. Okay. Are you familiar with any of
22 the other complaints listed on the
23 spreadsheet?

24 A. No. No, that one caught my eye, so
25 that's why I asked it, but no.

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Q. Has Mitsubishi Motors ever reached out to you, you, specifically, Diane Argyropoulos, to discuss complaints made against Victory Mitsubishi?

A. No.

Q. Do you know if Mitsubishi Motors has reached out to anyone else, such as Stavros Orsaris, to discuss complaints made against Victory Mitsubishi?

A. Yes.

Q. What is your understanding of those complaints?

A. The one that we just discussed, you know, you have to resolve it. It doesn't go away. Mitsubishi wants to know. And it gets resolved. A lot of times these customers, you know, wanted a Mercedes and left with a Mitsubishi. So if you are coming in for -- a little upset, but what are you going to do? Everybody wants something they can't have.

Q. How are Chris Orsaris and Stavros related?

A. Father and son.

Q. Do you know any other father and

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son who work at Victory Mitsubishi?

A. His -- at what time frame?

Q. In May of 2020.

A. Any other in May of 2020? No, no.

Q. Does anyone else from the Orsaris family work at Victory Mitsubishi, in May of 2020?

MR. GOODMAN: Object to the form.

Q. Anyone else besides Chris Orsaris and Stavros Orsaris?

A. No. No.

Q. With the complaint -- with the -- the elderly woman that you were just discussing, did you actually watch the video recording or did Stavros just describe it to you?

A. I watched it.

Q. Okay. And had Stavros e-mailed the video recording to you?

A. No, he showed it to me in person.

Q. I see. Was it, like, on his phone or something?

A. We were at -- we were on a

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computer, so I think -- did it -- he was able to download from the computer.

Q. I see. All right. And in September of 2020, do you know if there were any other father and son working at Victory Mitsubishi, besides Stavros and Chris Orsaris?

A. No. No.

Q. At any point --

A. No, there wasn't any. Sorry.

Q. At any point during the history of Victory Mitsubishi, have there been any fathers and sons working there, besides Chris and Stavros Orsaris?

A. No.

Q. Okay.

A. No.

Q. How long are video recordings kept at Victory Mitsubishi?

A. I am really not sure. I am really not sure.

Q. Around when did you watch this video recording of the elderly woman regarding the consumer complaint?

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A. A few days ago.

Q. And I believe that complaint is dated May of 2022. I believe. Let me actually look at it before I guess.

MR. GOODMAN: That's correct.

MS. CATHERINE: Okay.

Q. So is it reasonable to assume, then, that you keep recordings for at least six to seven month?

MR. GOODMAN: Object to form. Time frame, also, but objection.

A. No, I am assuming -- when was this filed?

MR. GOODMAN: May of 2022.

THE WITNESS: When did the customer buy the car?

MR. GOODMAN: May of '22.

A. Okay, so we still have the recording. I think it only saves maybe for thirty days. It doesn't -- it doesn't -- we don't have, like, a six month...

MR. GOODMAN: Do you know

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what the standard is? If you don't
--

THE WITNESS: Yeah, I don't
know. But this was because
customer had just purchased the
car. They still had the recording
and they went back that day.

Q. Do you know why there aren't any
video recordings of the sale of the vehicle
in the name of Farah Jean Francois?

A. I don't know. But two years later,
it would no longer be there.

Q. But the vehicle was returned in
September of 2020, correct?

A. That's what I heard.

Q. So when there's been an allegation
of identity theft, shouldn't video recordings
have been preserved at that time?

A. I don't know. It was a very rough
time during COVID for everybody. So I can't
really say. Everybody had a hard time with
COVID, you know, people were a little
nervous.

Q. Sure. When you learned of this

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lawsuit, what steps did you take to determine whether the allegations in it were true?

A. I spoke to Stavros, and I trust him, and I believe him.

Q. And around when did you speak to Stavros?

A. Whenever the lawsuit came. I don't remember the time.

Q. What did you ask him during that conversation?

A. I asked him for the customer's name, who, you know, who prepared the work, you know, ID. He swears that they both were at the dealership and he had them remove the mask from a distance to make sure it was them.

Q. Did he tell you who pulled Ms. Francois' credit report?

A. He told me -- let me think. He told me that they were all having lunch or dinner, they were eating, a few of the managers in -- I don't know whose office. I don't remember whose office. But they were eating in a manager's office and Yessica is

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1
2 the one who ran the credit.

3 Q. Okay.

4 MR. GOODMAN: Do you need to
5 take that?

6 THE WITNESS: No, it's okay.

7 MS. CATHERINE: You want to
8 take a break?

9 THE WITNESS: It's okay. I
10 will call back. Thank you.

11 Q. Have any employees been fired, or
12 otherwise disciplined, in regards to the
13 allegations in this lawsuit?

14 A. No.

15 Q. Have you spoken with Yessica
16 Vallejo about the allegations in this
17 lawsuit?

18 A. I have.

19 Q. And what was the nature of that
20 conversation?

21 MR. GOODMAN: Was counsel
22 present for that conversation? Was
23 it attorney -- either me or Patrick
24 there?

25 THE WITNESS: When I spoke

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to Yessica?

MR. GOODMAN: Correct.

THE WITNESS: I am trying to
remember. Were you?

MR. GOODMAN: I think so.

THE WITNESS: I think you
were there. You were there.

MR. GOODMAN: There may have
been another time, but I definitely
--

THE WITNESS: You were there
the one time, the only time. Was
she was very upset because Yessica
-- I know you met her. She takes
things to heart. And she said, "I
would never do anything that I am
not supposed to do."

MR. GOODMAN: Okay, there's
no question pending.

THE WITNESS: All right, all
right, all right, all right. Okay,
never mind.

Q. Was she afraid that you might
believe the allegations in the lawsuit?

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MR. GOODMAN: Objection to
form. But also now we're in the
privileged conversation. So I'll
direct her not to answer.
Privilege.

Q. Okay. Did Ms. Vallejo mention
anyone by the name of Jaime Singer?

MR. GOODMAN: Objection.
Again, you are asking her about a
conversation we established --

MS. CATHERINE: Fair enough.
Fair enough.

Q. Other than your conversation with
Ms. Vallejo, have you had any other
communications with her about the lawsuit,
such as e-mails?

MR. GOODMAN: Other than the
time that I was there? That's the
question?

Did you have any other
conversation, when I was not there,
with Yessica, about this case?

THE WITNESS: No.

Q. Have you, at any point, tried to

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1
2 contact Ms. Francois?

3 A. No.

4 Q. Do you think that Victory
5 Mitsubishi did anything wrong in the sale and
6 financing of the vehicle to Ms. Francois?

7 MR. GOODMAN: Object to the
8 form; go ahead.

9 A. No.

10 Q. Who is at fault for Ms. Francois'
11 identity being stolen?

12 MR. GOODMAN: Objection,
13 form. Don't answer that. Who's at
14 fault? You can answer, if you
15 know. I mean, object to the form.

16 A. I don't know.

17 Q. Okay.

18 MR. GOODMAN: It seems --
19 sorry, I am not -- object to form.

20 Q. Are you aware that Emanuel LaForest
21 has testified in this lawsuit that he
22 purchased Ms. Francois' social security
23 number?

24 A. No.

25 Q. Are you aware that Mr. LaForest

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texted the social security number of another person by the name of Jaime Singer to Stavros Orsaris?

A. No.

Q. Are you aware that Emanuel LaForest textured a picture of Jaime Singer's driver's license to Stavros Orsaris?

A. No.

Q. Knowing what it does now, would Victory Mitsubishi have taken any steps in the sale and financing of a vehicle to Ms. Francois differently than how it did on May 30, and June 29th of 2020?

MR. GOODMAN: Object to the form.

A. Are you assuming we did something? I am not understanding the question.

Q. From my understanding --

MR. GOODMAN: No, if you don't understand, that's it. She will ask another question.

THE WITNESS: Okay.

MS. CATHERINE: Let's take a ten-minute break. Hopefully, we

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can wrap this up soon.

(Whereupon, a recess was
taken at this time.)

BY MS. CATHERINE:

Q. So when did the Instagram account
for Victory Mitsubishi start?

MR. GOODMAN: Object to
form; go ahead.

A. Couple of years ago. Honestly, I
don't remember the date.

Q. Okay, that's fine. And you said
that the post that we looked at earlier were
put together by a marketing firm and Bibi
Singh; is that correct?

A. Yes.

Q. Who's Ms. Singh's supervisor?

MR. GOODMAN: Currently?
Object to form.

Q. In 2020.

A. She is a manager.

Q. She is a manager. So does she not
have a supervisor, then?

A. If there's ever needed, she will go
to Stavros. But she is a manager.

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Q. Okay. So would she have reported these marketing campaigns to Stavros?

A. I would -- I would say they definitely had to discuss it, yes.

Q. And so you mentioned that Chris Orsaris -- I think you called him a "buyer"; is that correct?

A. Yes.

Q. What does a buyer do?

A. Buys and sells vehicles.

Q. And where is he buying and selling vehicles?

A. Auction. Auctions.

Q. Okay, so he is dealing in used vehicles, specifically?

A. Yes.

Q. And are these sold to Victory Mitsubishi one at a time, or in bundles?

How does that work?

A. They are sold for the day. It's an immediate transaction, as he buys.

Q. Got you. And you said he receives a flat fee for the vehicles, correct?

A. Yes, depending on the vehicles.

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There's different fees.

Q. Okay. Does he receive any other compensation through Victory Mitsubishi?

A. No.

Q. Do you know if he works for any other companies, besides Victory Mitsubishi?

A. Not to my knowledge.

Q. What is a "floor planner"?

A. A "floor plan"?

Q. A floor planner.

MR. GOODMAN: "Planner."

A. I don't know.

Q. You don't know. Okay.

Do you know if anyone has a lien on the vehicle in this lawsuit?

A. Yes.

Q. And who has a lien on the vehicle?

A. Capital One.

Q. So as far as you're aware, that lien has not been extinguished; is that correct?

A. Correct, yes.

Q. Where does Chris Orsaris live?

MR. GOODMAN: Note my

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objection.

A. I am not sure.

Q. Okay. What is a "floor plan"?

A. A "floor plan" is a bank that owns the vehicles, so you pay interest to them, and as you sell them, you payoff the floor plan. It's a loan.

Q. And that was the ACF or AFC?

A. AFC.

Q. AFC, okay.

A. Yes.

Q. And you talked about recordings of phone calls that were between Ms. Francois and the dealership, correct?

A. Correct.

Q. What dealership employees were speaking to Ms. Francois?

A. I am not sure which employees.

Q. Okay. How were these recordings made?

A. I think by phone. I would say, by phone.

Q. So the phones at Victory Mitsubishi can record calls?

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A. Not all phone calls, no.

Q. Sure. But they have the capacity to record phone calls; is that correct?

A. A couple of them do, yes.

Q. Okay. And I know you said they don't record all phone calls. What is the procedure for recording phone calls?

A. I am not sure. Bibi handles that.

Q. And she handles that for all of the phones, both at 4070 and the other address, which I am forgetting off the top of my head?

A. Yes, yes.

Q. Are there any other buildings, beside those two that we talked about, for Victory Mitsubishi?

A. For sales?

Q. For any reason. Storage, anything like that?

A. Yes, there is.

Q. All right. And what are those? Where are those buildings located?

A. A couple of blocks away. It's a service center.

Q. Okay. Anything else, besides the

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2 service center?

3 A. In what year?

4 Q. In 2020.

5 A. I don't think so.

6 Q. Okay. When you're collecting --
7 when you are processing down payments on
8 vehicles, what documents are you looking at
9 to do that? Are you looking at the receipts
10 for the down payments?

11 A. That's one of the things I am
12 looking at.

13 Q. Okay. What else are you looking
14 at, besides the receipts?

15 A. On Dealertrack, there's a special
16 section for deposits.

17 Q. I see. And if a consumer makes
18 separate payments for the down payment, like,
19 you know, for example, at one time making a
20 down payment of \$8,000, and another time
21 making a payment of \$1,000, would those show
22 up separately, or would it just show up as
23 one payment of \$9,000?

24 A. It would show up one, but with two
25 different dates.

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Q. Okay. And the checking account you mentioned before, that's with HSBC, correct?

A. Yes.

Q. Do you know anyone who works at Victory Mitsubishi who is about 6'2" tall?

A. No.

Q. In the ordinary course of your work, how often do you speak with finance managers?

A. At what time?

Q. In 2020.

A. Hardly ever. I wasn't there.

Q. If I recall correctly, you couldn't remember all of the finance managers in 2020 off the top of your head. But in 2020, would you have known the names of all the finance managers?

A. At that time?

Q. Yes.

A. Yes, yes.

Q. Do you know if Capital One has spoken to anyone at Victory Mitsubishi about the vehicle, since September of 2020?

MR. GOODMAN: Objection;

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asked and answered. Go ahead.

A. No.

Q. Do you know if there have been any e-mails or faxes exchanged between Victory Mitsubishi and Capital One, about the vehicle, since September of 2020?

A. I have no knowledge of that.

Q. You mentioned a Victory Mitsubishi e-mail that you used for your work. Have you searched that e-mail for information regarding this case?

A. I have.

Q. And did you find any e-mails regarding this case?

A. No.

Q. Are you able to search your cell phone for text messages?

MR. GOODMAN: Object to form; go ahead.

A. What time period?

Q. In 2020.

A. I am.

MR. GOODMAN: You can search now for text messages from 2020?

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THE WITNESS: No. Now, I cannot. No. Sorry, not now. I thought she meant in 2020. I don't give my phone number out, though. The employees have my work number.

Q. And the work number corresponds to a phone in your office?

A. Correct.

Q. Have you provided your attorneys with any phone records?

A. No.

MS. CATHERINE: And I just want to confirm, I know your position, Counsel, in terms of giving out the home address, but can we stipulate that Ms. Argyropoulos will present herself at trial on notice?

MR. GOODMAN: Well, I will accept any subpoena for trial on her behalf. I can certainly make that representation.

MS. CATHERINE: Okay.

That's all the questions I

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have.

MR. GOODMAN: I just have
one question.

BY MR. GOODMAN:

Q. Ms. Argyropoulos, you testified
that in the year 2020, specifically, on
certain dates, you were not in the dealership
at all or at least not often.

Is there a reason for that? I
mean, we've heard COVID. But is there
anything more specific that kept you away
from the dealership?

MS. CATHERINE: Objection to
form.

A. No, it was because of COVID that I
wasn't going to work every day.

Q. Yeah.

A. It was because of COVID.

Q. Was there any -- your mother at
home?

A. Oh, yeah, my mother is
eighty-something years old. So I couldn't
take a chance and get COVID, to give it to my
mother. That's the reason I didn't go.

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2 Yeah, because of COVID. Yeah, yeah, yeah.

3 MR. GOODMAN: All right, I
4 have no further questions.

5 MS. CATHERINE: All right. I
6 don't have anymore questions.

7 MR. GOODMAN: I guess we are
8 done.

9 MS. CATHERINE: Yes. Before
10 we go -- Ms. Argyropoulos, you are
11 free to go. Thank you.

12 THE WITNESS: Thank you.

13 MR. GOODMAN: You can go.
14 We will stay on.

15 THE WITNESS: Okay.

16 MS. CATHERINE: Can we have
17 any agreement as to taking the
18 deposition of the Ventura person on
19 Monday?

20 MR. GOODMAN: Yeah, so I am
21 advised that -- I think it's -- the
22 individual Ventura is no longer
23 employed by -- that's what I have
24 been told. I inquired for a last
25 known address and contact

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2 information. I have not received
3 it, but I will provide it when
4 available.

5 MR. KESHAVARZ: Do you know
6 what the first name is?

7 MR. GOODMAN: No, I do not.

8 MR. KESHAVARZ: Well, we
9 have to take depositions like next
10 week. So I don't know why it's so
11 hard to find out where she lives,
12 what her address is, last known
13 address.

14 Why don't you make call and
15 find out?

16 MR. GOODMAN: I called and
17 they are looking for it.

18 MR. KESHAVARZ: I know, but
19 we need an answer now. We can't
20 wait until next week.

21 MR. GOODMAN: You will not
22 get an answer right now. You will
23 get an answer as soon as I get an
24 answer. I am not trying to hold it
25 back from you. I have made an

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inquiry and I will provide it when
I get it.

MS. CATHERINE: What other
information do you have about this
person at this time?

MR. GOODMAN: Not much,
other than Y. Ventura.

MR. KESHAVARZ: Well, can we
nail down a date for a deposition
for our availability and your
availability.

MS. CATHERINE: For next
week.

MR. GOODMAN: When I get an
update, it will appear. You will
have to subpoena this individual.
That will take time and effort.

MR. KESHAVARZ: That's fine,
but when are you available next
week?

MR. GOODMAN: I don't know.

MR. KESHAVARZ: Find out.

MR. GOODMAN: Do what --

MR. KESHAVARZ: Let's narrow

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1
2 that down now.

3 MR. GOODMAN: I am not
4 available. I am available for
5 Jaime Singh and Paquito.

6 MR. KESHAVARZ: I don't want
7 to hear that when I subpoena her,
8 you are not available for that
9 date. If you are giving us --

10 MR. GOODMAN: What's the
11 point? You will not get --

12 MR. KESHAVARZ: When are you
13 available?

14 MR. GOODMAN: You will never
15 get her next week.

16 MR. KESHAVARZ: Forget about
17 her. She doesn't work for you.
18 You can't file a motion to squash.
19 I will subpoena as soon as I can.
20 I don't want to hear you are not
21 available that day. So let's look
22 at attorneys schedules. I just
23 want it clear. If you don't want
24 it clear, that's fine. I don't
25 want to hear you say, "I am not

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available on that" --

MR. GOODMAN: I don't want
to clear that with you.

MR. KESHAVARZ: Get that on
record.

MR. GOODMAN: No, we will
not get that on record.

MR. KESHAVARZ: Where's the
court reporter? We never got off
record. Madam court reporter, are
we still on the record?

THE REPORTER: Yes.

MR. KESHAVARZ: Okay, thank
you.

-oOo-
(Whereupon, the examination
of DIANE ARGYROPOLOUS was adjourned
at 3:06 p.m.)

DIANE ARGYROPOLOUS

Subscribed and sworn to
before me this day
of , 2022.

NOTARY PUBLIC

DIANE ARGYROPOLOUS
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022

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----- I N D E X -----

WITNESS	EXAMINATION BY	PAGE
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DIANE ARGYROPOLOUS		
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	MS. CATHERINE	6
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	MR. GOODMAN	154
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----- REQUESTS -----

Page 109...line 24
Document that lists all of the employee
identification numbers, like 999, and A31

Page 130...line 6
Production of that record in regard to the
down payment for this vehicle.

----- FURNISH -----

Page 18...line 11
Production of cell phone number

Page 81...line 6
Name of IT guy

Page 94...line 10
Name of the marketing company

----- EXHIBITS -----

DEFENDANT'S		FOR ID.
EXHIBIT 43	Instagram Posts	premarked
EXHIBIT 44	Dealer Track History	premarked
EXHIBIT 45	K-1 Filings	premarked

(Exhibits retained by reporter.)

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December 09, 2022

C E R T I F I C A T E

STATE OF NEW YORK)
 : ss.
COUNTY OF NEW YORK)

I, AYDIL M. TORRES, a Notary Public
within and for the State of New York, do
hereby certify:

That DIANE ARGYROPOLOUS, the witness
whose deposition is hereinbefore set forth,
was duly sworn by me and that such deposition
is a true record of the testimony given by
the witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 9th day of December, 2022.

Aydil M. Torres

AYDIL M. TORRES

DIANE ARGYROPOLOUS
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022

DEPOSITION ERRATA SHEET

Our Assignment No. J8950423

Case Caption: FARAH JEAN FRANCOIS vs.

VICTORY AUTO GROUP LLC, ET AL.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury

That I have read the entire transcript of

My Deposition taken in the captioned matter

Or the same has been read to me, and

The same is true and accurate, save and

Except for changes and/or corrections, if

Any, as indicated by me on the DEPOSITION

ERRATA SHEET hereof, with the understanding

That I offer these changes as if still under

Oath.

DIANE ARGYROPOLOUS

Subscribed and sworn to on the _____ day of

_____, 20____ before me,

Notary Public,

In and for the State of _____

DIANE ARGYROPOLOUS
FRANCOIS vs VICTORY AUTO GROUP LLC

December 09, 2022

DEPOSITION ERRATA SHEET

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DIANE ARGYROPOLOUS

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DIANE ARGYROPOLOUS